

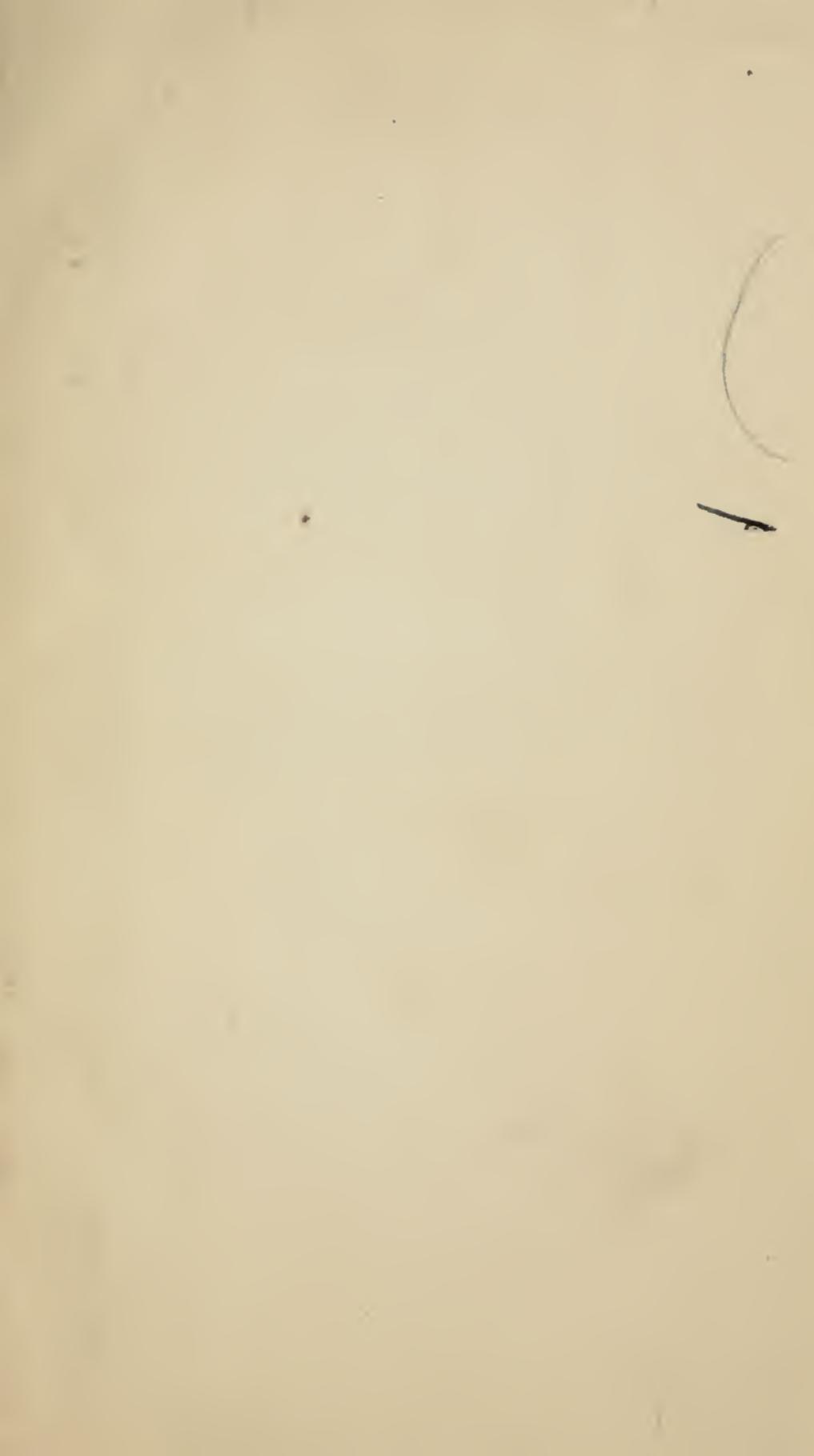
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AN
HISTORICAL AND CRITICAL
ACCOUNT
OF THE
LIVES AND WRITINGS
OF
James I. and Charles I.
AND OF
THE LIVES
OF
Oliver Cromwell and Charles II.
AFTER THE MANNER OF MR. BAYLE.

FROM
ORIGINAL WRITERS AND STATE-PAPERS.

BY WILLIAM HARRIS.

A NEW EDITION,
WITH A LIFE OF THE AUTHOR, A GENERAL INDEX, &c.
IN FIVE VOLUMES.

VOL. V.

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1814.

AN
HISTORICAL AND CRITICAL
ACCOUNT
OF THE
LIFE
OF
Charles II.
KING OF GREAT BRITAIN.

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THE LIFE
OF
CHARLES II.
KING OF GREAT BRITAIN.

CHARLES, though blessed with a genius capable of great things, applied himself but little to the affairs of government¹, the only

¹ Charles, though blessed with a genius—applied himself but little to the affairs of government.] Burnet assures us, “ he had a very good understanding. He knew well,” adds he, “ the state of affairs both at home and abroad.—He had a great compass of knowledge; though he was never capable of much application or study. He understood the mechanics, and physick; and was a good chemist, and much set on several preparations of mercury, chiefly the fixing it. He understood navigation well: but above all, he knew the architecture of ships so perfectly, that, in that respect, he was exact rather more than became a prince. His apprehension was quick; and his memory good.—He hated business, and could not be easily brought to mind any: but when it was necessary, and he was set to it, he would stay as long as his mi-

proper employment of a prince: and, with

nisters had work for him^a.”—This character is confirmed by those who best knew him. Sheffield, Duke of Buckingham, observes, “that his understanding was quick and lively in little things; and sometimes would soar high enough in great ones, but unable to keep it up with any long attention or application. Witty in all sorts of conversation; and telling a story so well, that, not out of flattery, but for the pleasure of hearing it, we used to seem ignorant of what he had repeated to us ten times before, as a good comedy will bear the being seen often. Of a wonderful mixture; losing all his time, and, till of late, setting his whole heart on the fair sex.—In the midst of all his remissness, so industrious and indefatigable on some particular occasions, that no man would either toil longer, or be able to manage it better^b.”—Sir William Temple, after relating a conversation he had with him, remarks, “that he never saw him in better humour, nor ever knew a more agreeable conversation when he was so: and where,” continues he, “he was pleased to be familiar, great quickness of conception, great pleasantness of wit, with great variety of knowledge, more observation and truer judgment of men, than one would have imagined by so careless and easy a manner as was natural to him in all he said or did. From his own temper, he desired nothing but to be easy himself, and that every body else should be so; and would have been glad to see the least of his subjects pleased, and to refuse no man what he asked. But this softness of temper made him apt to fall into the persuasions of whoever had his kindness and confidence for the time,

^a Burnet, vol. I. p. 93.

^b Buckingham’s Works, vol. II. p. 58.

wit and understanding, in no common de-

how different soever from the opinions he was of before; and he was very easy to change hands, when those he employed seemed to have engaged him in any difficulties: so as nothing looked steady in the conduct of his affairs, nor aimed at any certain end^a."——Lord Halifax [Saville], who was no stranger to him, says, "that he had a mechanical head, which appeared in his inclination to shipping and fortification, &c. This would make one conclude, that his thoughts would naturally have been more fixed to business, if his pleasures had not drawn them away from it. He had a very good memory, though he would not always make equal good use of it. So that if he had accustomed himself to direct his faculties to his business, I see no reason why he might not have been a good deal master of it. His chain of memory was longer than his chain of thought: the first could bear any burden, the other was tired by being carried on too long: it was fit to ride a heat, but it had not wind enough for a long course^b." Lord Clarendon owns, and attempts to account for, the indolence of his master, by "the unhappy temper and constitution of the royal party—and other perplexities [soon after the Restoration], which did so break his mind, and had that operation on his spirits, that, finding he could not propose any such method to himself, by which he might extricate himself out of the many difficulties and labyrinths in which he was involved,—he grew more disposed to leave all things to their natural course, and God's providence; and, by degrees, unbent his mind from the

^a Buckingham's Works, p. 408. 8vo edition.
Charles II. 8vo. p. 40. Lond. 1750.

^b Character of King

gree, he was subject to much weakness and

knotty and ungrateful part of his business, grew more remiss in his application to it, and indulged to his youth and appetite, that license and satisfaction that it desired, and for which he had opportunity enough, and could not be without ministers abundant for any such negotiations; the time itself, and the young people thereof, of either sex, having been educated in all the liberty of vice, without reprobation or restraint ^a."

I suppose the reader, by these authorities, will be fully satisfied of the genius and indolence, of Charles; an indolence, contracted whilst abroad, and confirmed by indulgence from his Restoration to his death: which damped his understanding, and made it in a manner useless to those over whom he bare rule. For "when once the aversion to bear uneasiness taketh place in a mans mind, it doth so cheek all the passions, that they are dampt into a kind of indifference; they grow faint and languishing, and come to be subordinate to that fundamental maxim, of not purchasing any thing at the price of a difficulty. This made that he had as little eagerness to oblige as he had to hurt men; the motive of his giving bounties, was, rather to make men less uneasy to him, than more easy to themselves; and yet no ill-nature all this while. He would slide from an asking face, and could guess very well. It was throwing a man off from his shoulders, that leaned upon them with his whole weight; so that the party was not gladder to receive, than he was to give. It was a kind of implied bargain; though men seldom kept it, being so apt to forget the advantage they had received, that they would presume the king would as

^a Clarendon's Continuation, vol. II. p. 38.

little remember the good he had done them, so as to make it an argument against their next request. This principle, of making the love of ease exercise an entire sovereignty in his thoughts, would have been less censured in a private man, than might be in a prince. The consequence of it to the publick, changeth the nature of that quality; or else a philosopher, in his private capacity, might say a great deal to justify it. The truth is, a king is to be such a distinct creature from a man, that their thoughts are to be put in quite a differing shape; and it is such a disquieting task to reconcile them, that princes might rather expect to be lamented than to be envied, for being in a station that exposeth them, if they do not do more to answer men's expectations than human nature will allow.— The love of ease is an opiate: it is pleasing for the time, quieteth the spirits; but it hath its effects, that seldom fail to be most fatal. The immoderate love of ease, maketh a man's mind pay a passive obedience to any thing that happeneth: it reduceth the thoughts, from having desire, to be content².” Some of these reflexions are extremely just; and I doubt not of the reader's being pleased with them, especially as they tend to illustrate the character of the monarch under consideration.—It would be injustice to Charles to omit Dr. Sprat's account of his encouragement of the Royal Society; as it confirms what Burnet has related in the passage above cited. “When the society,” says the writer, “first addressed themselves to his majesty, he was pleased to express much satisfaction, that this enterprize was begun in his reign. He then represented to them the gravity and difficulty of their work; and assured them of all the kind influence of

² Character of K. Charles II. p. 45—49.

his power and prerogative. Since that, he has frequently committed many things to their search: he has referr'd many foreign rarities to their inspection: he has recommended many domestick improvements to their care: he has demanded the result of their tryals, in many appearances of nature: he has been present, and assisted with his own hands, at the performing of many of their experiments, in his gardens, his parks, and on the river. And, besides, I will not conceal, that he has sometimes reproved them for the slowness of their proceedings: at which reproofs they have not so much cause to be afflicted that they are the reprehensions of a king, as to be comforted that they are the reprehensions of his love and affection to their progress. For a testimony of which royal benignity, and to free them from all hindrances and occasions of delay, he has given them the establishment of his letters patent^a."

One would think, by this passage, that the Royal Society had its beginning in this reign: but, setting aside the name and the charter, it had its existence long before. For it was under the parliament, when the authority and the name of king was little reverenced, but merit, and arts of all kinds, encouraged. It was in this memorable period, so favourable to liberty and the sciences, that this noble society, though without a name, was set on foot.

"About the year 1645," says Dr. Wallis, a very eminent member, "while I lived in London, at a time when, by our civil wars, academical studies were much interrupted in both our universities, besides the conversation of divers eminent divines, as to matters theological; I had the opportunity of being acquainted with

^a History of the Royal Society, p. 133. 4to. Lond. 1667.

divers worthy persons, inquisitive into natural philosophy, and other parts of human learning: and particularly of what hath been called the New Philosophy, or Experimental Philosophy. We did, by agreement, divers of us meet weekly in London, on a certain day, to treat and discourse of such affairs. Of such number were, Dr. John Wilkins, afterwards Bishop of Chester; Dr. Jonathan Goddard, Dr. George Ent, Dr. Glisson, Dr. Merret, doctors in physick; Mr. Samuel Foster, then Professor of Astronomy at Gresham College; Mr. Theodore Haak, a German of the Palatinate, and then resident in London (who, I think, gave the first occasion, and first suggested these meetings); and many others. These meetings we held sometimes at Dr. Goddard's lodgings, in Wood-street, or some convenient place near, on occasion of his keeping an operator for grinding glasses for telescopes and microscopes; and sometimes at a convenient place in Cheapside; sometimes at Gresham College, or some place near adjoining. Our business was, precluding matters of theology and state affairs, to discourse and consider of philosophical enquiries, and such as related thereunto, as physick, anatomy, geometry, astronomy, navigation, staticks, magneticks, chemicks, mechanicks, and natural experiments; with the state of these studies, as then cultivated, at home and abroad.—About the year 1648, 1649, some of us being removed to Oxford, first Dr. Wilkins, then I, and, soon after, Dr. Goddard, our company divided. Those in London continued to meet there, as before; and we with them, when we had occasion to be there. And those of us at Oxford, with Dr. Ward, since Bishop of Salisbury; Dr. Ralph Bathurst, now President of Trinity College, in Oxford; Dr. Petty, since Sir William Petty; Dr. Willis, then an eminent physician in Oxford; and

credulity^a. Besides this,—with a seeming

divers others; continued such meetings in Oxford, and brought those studies into fashion there: meeting first at Dr. Pettie's lodgings, in an apothecarie's house, because of the convenience of inspecting drugs, and the like, as there was occasion: and, after his remove to Ireland, tho' not so constantly, at the lodgings of Dr. Wilkins, then Warden of Wadham College; and after his removal to Trinity College in Cambridge, at the lodgings of the honourable Mr. Robert Boyle, then resident for divers years in Oxford. Those meetings in London continued: and after the king's return, in 1660, were increased with the accession of divers worthy and honourable persons; and were afterwards incorporated by the name of the Royal Society, &c. and so continues to this day^a.”—The reader will pardon a digression intended to restore the honour of so excellent an institution to its right authours; and to rescue the time of its formation from the foul slanders of barbarism, ignorance, and darkness, so frequently cast on it^b.

^a He was subject to much weakness and credulity.] Wisdom and folly; understanding and credulity;

^a Wallis's Account of some passages in his life, quoted in the notes of the Life of A. Sidney, p. 44. 4to. Lond. 1763. And Ward's Preface to the Lives of the Professors of Gresham College, p. 10. fol. Lond. 1740. See also Sprat's History, p. 53.

^b Wood, speaking of Henry Stubbe, says, while he continued undergraduate at Christ Church, Oxon, it was usual with him to discourse in the public schools very fluently in the Greek tongue; as it was, at the same time, with one John Pettie, of Balliol, afterwards of Queen's College, and others, whose names are forgotten. But since the king's restoration, we have had no such matters; which shews, in some part, that education and discipline were more severe then (as indeed they were) than after, when scholars were given more to liberty and frivolous studies. *Athenæ Oxon.* vol. II. c. 561.

openness and frankness of heart, which

though opposites and contraries, very frequently reside in one and the same man: and nothing is more common, than to see those of superior capacities fall into weaknesses and follies, which men of plain sense hold in contempt and very deservedly ridicule.—Witches, the stars, charms, oracles, ghosts, and every phantom which weakness or wickedness, in various ages and different countries have imagined or feigned, have, some or other of them, been embraced, as truths, by men most respectable on account of their knowledge, virtue and integrity. I need not quote proofs for this: such as are desirous of them may read Plutarch, among the ancients; and recollect, that the names of Sir Thomas Brown, Sir Matthew Hale, Mr. Boyle, and many others, among the moderns; are in the number of the believers of the intercourse of the devil with the most wretched and despicable of the daughters of Eve. To which may be added that the profession of a conjurer was so very common amongst the catholics, that a question is put by the Jesuit Sanchez, “whether a conjurer is obliged to return the gain which he makes by conjuration? Which he thus resolves: ‘If the conjurer has not taken the care and pains to know, by the devil’s means, what could not be known otherwise; he is obliged to restitution: but if he has taken all due care, he is not obliged^a.’” No wonder, therefore, is it to find a prince of Charles’s character, who was unused to enquiry, and accustomed to assent to those about him, liable to weakness, and exposed to credulity. Buruet tells us, “the king had ordered Mountague, his ambassador at Paris, in the year 1678, to find out

^a Paschal’s Letters, vol. I. p. 183. 8vo. Lond. 1744.

pleased much those who came near him,

an astrologer, of whom it was no wonder he had a good opinion: for he had, long before his restoration, foretold, he should enter London on the 29th of May, —60. He was yet alive; and Mountague found him, and saw he was capable of being corrupted. So he resolved to prompt him, to send the king such hints as should serve his own ends. And he was so bewitched with the duchess of Cleveland, that he trusted her with this secret. But she, growing jealous of a new amour, took all the ways she could think on to ruin him; reserving this of the astrologer for her last shift. And by it she compassed her ends: for Mountague was entirely lost upon it with the king, and came over without being recalled^a." This, at first sight, seems a strange passage: a passage which seems to have been picked up merely to reflect on the king and the ambassador. But improbabilities, though, for a time, they may and ought to hinder the assent of the human mind; do not, ought not, always to prevent it. Our understandings are too narrow; our knowledge too little; our experience too small; to say, absolutely, what is, or what is not, possible, or impossible, to be believed, or done, by men variously circumstanced: and, therefore, foolish as this story may now appear, it yet, possibly, may be very true; nay, certainly, is so.—For the duchess of Cleveland's letter to the king, is now in the British Museum; dated, Paris, Tuesday the 28th, —78, and in it is contained the following expressions: "When I was to come over," says she, "he [Mountague] brought me two letters to bring to you, which he read both to me before he sealed them. The one was &

^a Burnet, vol. I. p. 422.

mans, that, he said, you had great faith in ; for that he had, at several times, foretold things to you that were of consequence ; and that you believed him in all things, like a changeling as you were : and that now he had wrote you word, that, in a few months, the king of France, and his son, were threatened with death ; or, at least, with a great fit of sickness, in which they would be in great danger, if they did not die : and that therefore he counsell'd you to defer any resolutions either of war or peace, till some months were past ; for that, if this happened, it would make a great change in France. The ambassador, after he had read this to me, said, Now the good of this is, said he, that I can do what I will with this man : for he is poor ; and a good sum of money will make him write whatever I will. So he proposed to me, that he and I should join together in the ruin of my lord treasurer [Danby], and the duchess of Portsmouth ; which might be done thus : The man, though he was infirm and ill, should go into England ; and there, after having been a little time, to sollicit you for money ; for that you were so base, that, though you employed him, you let him starve ; so that he was obliged to give him 50*l.* and that the man had writ several times to you for money. And, says he, when he is in England, he shall tell the king things that he foresees will infallibly ruin him ; and so wish those to be removed, as having an ill star, that would be unfortunate to you if they were not removed : but if that were done, he was confident you would have the most glorious reign that ever was. This, says he, I am sure I can order so, as to bring to a good effect, if you will^a." From this letter, we may judge of the goodness of Burnet's intelligence ; and

^a See the Appendix.

rectify an opinion, by too many entertained, that he was hasty and credulous, and a mere recorder of the tales and scandals of the times.

I will conclude this note with the words of M. le Clerc, a man equally remarkable for his sense, learning, and freedom of thought. "There is nothing so common as to see unbelievers," says he, "strongly perswaded of Judiciary Astrology; and believing, that magicians can do several things beyond the power and order of nature. Two great ministers of state, for example, whose actions will not let us think that religion was one of their greatest virtues, are both accused of believing the predictions of astrologers: and one of them, of perswading himself, that a man who vomited several sorts of liquors, did it by the help of magick. Cardinal Richlieu, says an historian, consulted, besides astrology, all kinds of divination; even silly women, whose knowledge consists in vapours, that make them foretell, by chance, some fortuitous events. He was so credulous, as to attribute to the operation of the devil, the art of throwing out at the mouth all sorts of liquors, after having first drunk water; as was done by an Italian mountebank. Mazarine, who was not yet a cardinal, having at so simple a discourse burst out into laughing, had like to lose his favour by it: for the cardinal being provoked at this mirth, whereby he thought Mazarine jeer'd him, said, ironically, to him, that he was not Monsieur Mazarine, who had a profound and exact knowledge of every thing. Mazarine very submissively reply'd, that, giving the fifty pistoles which the mountebank demanded for teaching his secret, it might be seen whether the devil had any hand in it. Mazarine himself looked upon all divinations as fopperies; except astrology, which he strongly fancied, though he feigned the contrary. When Madam Man-

he was an arrant dissembler³; as is con-

cini, his sister, dy'd; and afterwards the duchess of Mercœur, his niece, according to the prediction of an astrologer at Rome, given in writing a great while before, he became extraordinary sad and melancholy, not out of tenderness to his relations, but because this same astrologer had fix'd the term of his own death to a time that was very near. He lost his appetite upon it, and slept not for many nights⁴."

³ He was an arrant dissembler.] We have seen the dissimulation of Charles in Scotland^b: a dissimulation so base, that it made deep impressions on the minds of many; and gave his adversaries a handle to represent him in no very favourable light. This is taken notice of, and attempted to be apologized for, in the declaration concerning ecclesiastical affairs, published soon after the Restoration. "We have found," says the declaration, "ourselves not so candidly dealt with as we have deserved; and that there are unquiet and restless spirits, who —— continue their bitterness against the church, and endeavour to raise jealousies of us, and to lessen our reputation by their reproaches, as if we were not true to the professions we have made. And, in order thereunto, they have very unseasonably caused to be printed, published, and dispersed, throughout the kingdom, a declaration heretofore printed, in our name, in Scotland; of which we shall say no more, than that the circumstances, by which we were enforced to sign that declaration, are enough known to the world; and that the worthiest and greatest part of that nation did even then detest and abhor the ill usage of us in that particular, when the same tyranny was

^a Causes of Incredulity, p. 24. 12mo. Lond. 1697. ^b In vol. IV. note 14.

fessed even by his friends, and very little to

exercised there, by the power of a few ill men, which, at that time, had spread itself over this kingdom; and therefore we had no reason to expect, that we should at this season (when we are doing all we can to wipe out the memory of all that hath been done amiss by other men, and, we thank God, have wiped it out of our own remembrance), have been ourself assaulted with those reproaches; which we will likewise forget^a."—This is but a poor apology. If circumstances had not enforced, Cromwell had been no dissembler.—To go on.—Sheffield observes, that "Charles was not false to his word; but full of dissimulation, and very adroit at it^b."—And Saville, after taking notice, "that princes dissemble with too many not to have it discovered;" adds, "no wonder then that he [Charles] carried it so far that it was discovered. Men," continues he, "compared notes, and got evidence: so that those whose morality would give them leave, took it for an excuse for serving him ill. Those who knew his face, fixed their eyes there; and thought it of more importance to see, than to hear what he said. His face was as little a blab as most mens; yet, though it could not be called a prattling face, it would sometimes tell tales to a good observer. When he thought fit to be angry, he had a very peevish memory: there was hardly a blot that escaped him. At the same time that this shewed the strength of his dissimulation, it gave warning too: it fitted his present purpose, but it made a discovery that put men more upon their guard against him^c."—

^a Kennet's Register, p. 289. ^b Buckingham's Works, vol. II. p. 53.

^c Character of K. Charles II. p. 15.

After this, it will be no difficult matter for the reader to believe, “ that, when the king passed through the city towards Westminster, the London ministers attended him with acclamations; and, by the hands of old Mr. Arthur Jackson, presented him with a rich-adorned Bible, which he received, and told them, it should be the rule of his actions^a. ” Nor can we wonder that a prince of this character, in order to keep up appearances, should order attempts to be made to recover his brother from popery; which he himself was, probably,—as we shall soon see—far from being disinclined to. This particular we find in a letter from Sancroft to Morley, dated, Feb. 11, 1678, in the following words: “ Yesterday I had a private intimation from my superiour, that it is his pleasure that some further attempt should speedily be made to recover the duke of York out of that foul apostacy into which the busy traytors from Rome have seduced him^b. ”— There is another story related, by an anonymous writer, which, possibly, may be true, as being consistent with the king’s character; though I will not charge myself with the proof of it.—“ Whilst the king lay at Breda, daily expecting the English navy for his transportation; the dissenting party, fearing the worst, thought it but reasonable to send a select number of their most eminent divines to wait upon his majesty in Holland, in order to get the most advantageous promises from him they could, for the liberty of their consciences. Of the number of these divines, Mr. Case was one; who, with the rest of his brethren, coming where the king lay, and desiring to be admitted into the king’s presence, were carried up into the chamber

^a Baxter’s Life, p. 218.

^b State Letters of Henry, Earl of Clarendon, vol. II. p. 275. 4to. Oxon. 1763.

next, or very near, the king's closet; but told withal, that the king was busy at his devotions, and that till he had done they must be contented to stay. Being thus left alone (by contrivance, no doubt), and hearing a sound of groaning piety, such was the curiosity of Mr. Case, that he would needs go and lay his ear to the closet door. But, Heavens! how was the good old man ravished to hear the pious ejaculations that fell from the king's lips!—Lord—since thou art pleased to restore me to the throne of my ancestors, grant me a heart constant in the exercise and protection of thy true protestant religion.—Never may I seek the oppression of those who, out of tenderness of their consciences, are not free to conform to outward and indifferent ceremonies.—With a great deal more of the same cant^a.—This account is far enough from being improbable: for, on good authority, we are assured, “ that when he received the London ministers, which went to him at the Hague, he had these memorable and rare expressions: That he would make it his business to bring virtue and sobriety into fashion and repute in England; and though there were a profane drinking party, which would be esteemed his best and only friends, he would make the more haste into England, to let such men know, that he was their worst enemy, for they were the devil's party, and none of his. These were his words; and, which is the true honour of them, they were free; not drawn from him, or suggested to him^b.”—These, and facts like these, will establish the character of Charles for dissimulation; and class him, in this respect, with many of his most zealous opponents. Lord Halifax attempts to

^a Secret History of the Reigns of Charles II. and James II. 12mo.
p. 20. 1690. ^b Kennet's Register, p. 460.

be relied on.—He is accused, perhaps not without foundation, of ingratitude⁴ to

apologize for him, however, on this head. “ If he dissembled,” says he, “ let us remember, first, that he was a king; and that dissimulation is a jewel of the crown: next, that it is very hard for a man not to do sometimes too much of that, which he concludeth necessary for him to practise. Men should consider, that as there would be no false dice, if there were no true ones; so if dissembling is grown universal, it ceaseth to be foul play, having an implied allowance by the general practice. He that was so often forced to dissemble in his own defence, might the better have the priviledge sometimes to be the aggressor, and to deal with men at their own weapon⁵. ” What force there is in this, the reader will determine.

⁴ He has been accused of ingratitude.] This was the charge against him soon after his restoration, by parties, and private persons.—“ They who had suffered much in their fortunes, and, by frequent imprisonments, and sequestrations, and compositions, expected large recompences and reparations in honours, which they could not support, or offices which they could not discharge, or lands and money which the king had not to give; as all dispassioned men knew the conditions which the king was obliged to perform, and that the act of indemnity discharged all those forfeitures which could have been applied to their benefit; and therefore they who had been, without comparison, the greatest sufferers in their fortunes, and in all respects had merited most, never made any inconve-

⁵ Character of K. Charles II. p. 56. Compare a passage from the Anti-Machiavel, quoted in the Life of Charles I. p. 83.

wards those from whom he had received very great obligations in his necessities;

nient suits to the king, but modestly left the memory and consideration of all they had done, or undergone, to his majesty's own gracious reflexions. They were observed to be most importunate, who had deserved least, and were least capable to perform any notable service; and none had more esteem of themselves, and believed preferment to be more due to them, than a sort of men who had most loudly began the king's health in taverns; especially if, for any disorders which had accompanied it, they had suffered imprisonment, without any other pretence of merit, or running any other hazard^a."—These are the words of Clarendon: words of severity, but perhaps justice, to many of his party; though they come with a very ill grace from a man who received twenty thousand pounds, from the king's bounty, soon after his arrival in England^b: who had never suffered imprisonment, or run hazard in the field, for the royal cause; and who, moreover, had procured of the king the manor of Cornbury, in Oxfordshire, forfeited by the attainder of Sir John Danvers, one of the late king's judges^c. We are not to wonder then that the cavaliers complained highly of their being neglected, as Burnet assures us they did: or that, upon Clarendon's beating down the value they set on their services, an implacable hatred took place in the breasts of many of them against him^d. For to be neglected, and contemned at the same time, by persons we have wished to serve, and for whom we have suffered, is hardly to be borne by men of virtue; much less

^a Clarendon's Continuation, vol. II. p. 35. ^b Id. p. 60. ^c Wood's Athenæ, vol. II. c. 534. ^d See Burnet, vol. I. p. 165.

and even towards the memory of his father,

by those unacquainted with it.——If his lordship, as was given out, advised the king to gain his enemies, since he was sure of his friends by their principles; we cannot be at a loss to account for their ill will.

——To go on. Burnet observes of his majesty, that “he had been obliged to so many, who had been faithful to him, and careful of him, that he seemed afterwards to resolve to make an equal return to them all: and finding it not easy to reward them all as they deserved, he forgot them all alike. Most princes seem to have this pretty deep in them; and to think, that they ought never to remember past services, but that their acceptance of them is a full reward. He, of all in our age, exerted this piece of prerogative in the amplest manner: for he never seemed to charge his memory, or trouble his thoughts, with the sense of any of the services that had been done him^a.——It appears also, from the satires of the times, that ingratitude was imputed to Charles.

“ His father’s foes he does reward,
Preserving those that cut off’s head:
Old cavaliers, the crown’s best guard,
He lets them starve for want of bread.
Never was any king endu’d
With so much grace and gratitude.”

ROCHESTER.

“ To see them who suffer’d for father and son,
And helped to bring the latter to’s throne,
Who, with lives and estates, did loyally serve,
And yet, for all this, can nothing deserve.
The king looks not on them, preferment’s deny’d ‘em;
The Roundheads insult, and the Courtiers deride ‘em.”

MARVEL.

^a Burnet, vol. I. p. 611.

he was wanting in that respect, which his

This was the language of the times. Nor did it want truth for its foundation. Lord Clarendon, as we have seen, endeavours to excuse and justify his master;—but how very poorly, is about to appear. I will not here take notice of Charles's treatment of the body of the presbyterians, to whom he, in a good measure, owed his crown: but will confine myself to the cases of a few persons, one of whom only was of that persuasion. The marquis of Argyle was executed, as it is well known, soon after Charles had taken possession of the three kingdoms. He had been looked on as an enemy by the former king;—he certainly was so to his designs;—and it was alledged, “that he had hindered the Scots from inviting his majesty, and, as long as possible, kept him from being received by them:” but, at the same time, it is confessed, “that when there was no remedy, and that he was actually landed, no man paid him so much reverence and outward respect, and gave so good an example to all others, with what veneration their king ought to be treated, as the marquis of Argyle did; and in a very short time made himself agreeable and acceptable to him. And though he never consented to any one thing of moment which the king asked of him, and even in those seasons in which he was used with the most rudeness by the clergy, and with some barbarity by his son the lord Lorne, whom he had made captain of his majesty's guard, to guard him from his friends, and from all who he desired should have access to him; the marquis still had that address, that he perswaded him all was for the best. When the other faction prevailed, in which there were likewise crafty managers, and that his counsels were commonly rejected, he carried himself so, that they who

friends thought needful, and all mankind

hated him most were willing to compound with him, and that his majesty should not withdraw his countenance from him. But he continued in all his charges, and had a very great party in the parliament that was most devoted to serve the king; so that his majesty was often put to desire his help to compass what he desired. He did heartily oppose the king's marching with his army into England; the ill success whereof made many men believe, afterwards, that he had more reasons for the counsels he gave, than they had who were of another opinion. And the king was so far from thinking him his enemy, that, when it was privately proposed to him, by those he trusted most, that he might be secured from doing hurt when the king was marched into England, since he was so much against it; his majesty would by no means consent to it, but parted with him very graciously, as with one he expected good service from. All which the commissioners [of Scotland, foes to Argyle] well remembered, and were very unwilling that he should be again admitted into his presence, to make his own excuses for any thing he could be charged with. And his behaviour afterwards, and the good correspondence he had kept with Cromwell, but especially some confident averments of some particular words or actions which related to the murder of his father, prevailed with his majesty not to speak with him, which he laboured by many addresses in petitions to the king, and letters to some of those who were trusted by him, which were often presented by his wife, and his son, and in which he only desired, to speak with the king, or with some of those lords, pretending, that he should inform and communicate somewhat that would highly concern his

expected from him; though he endeavour-

majesty's service. But the king not vouchsafing to admit him to his presence, the English lords had no mind to have any conference with a man who had so dark a character, or to meddle in an affair that must be examined and adjudged by the laws of Scotland: and so it was resolved, that the marquis of Argyle should be sent by sea into Scotland, to be tried before the parliament there, when the commissioner should arrive who was dispatched thither with the rest of the lords, as soon as the seals, and other badges of their several offices, could be prepared. And what afterwards became of the marquis, is known to all men^a."—It is, I think, very easy to conclude, from this narrative,—though partial and untrue in many parts of it,—that Charles was under very great obligations to Argyle; and that his refusing to see him, and his delivering him up to the rage of his enemies, was highly ungrateful. If innocent, the marquis had a right to his protection:—if guilty, his services claimed, at least, so small a favour as to be heard by the king in his own defence. But his majesty's ingratitude in this affair will be farther manifested by the following letter, or declaration, written with his own hand, and signed with his seal manual, dated at St. Johnstoun, Sept. 24, 1650.—" Having taken into my consideration the faithful endeavours of the marquis of Argyle, for restoring me to my just rights, and the happy settling of my dominions; I am desirous to let the world see how sensible I am of his real respect to me, by some particular marks of my favour to him, by which they may see the trust and confidence which I repose in

^a Clarendon's Continuation, vol. II. p. 99.

ed to excuse himself from the imputation

him: and, particularly, I do promise, that I will make him duke of Argyle, and knight of the garter, and one of the gentlemen of my bed-chamber; and this to be performed when he shall think it fit. And I do farther promise him, to hearken to his counsels—worn out—whenever it shall please God to restore me to my just rights in England, I shall see him paid the forty thousand pounds sterling which is due to him. All which I do promise to make good upon the word of a king^a.

CHARLES R."

But all these promises, we have seen, were of no signification. Such was the faith, such the gratitude, of this prince!—Nor was the treatment of Charles Stanley, earl of Derby; whose father lost his head, and he his liberty, for the king; much better. The last earl of Derby, of the Stanley family, has perpetuated it by the following inscription, on a building erected at Knowsley, his seat in Lancashire.

"James, earl of Derby, lord of Man and the Isles, grandson of James, earl of Derby, and of Charlotte, daughter of Claude duke de la Tremouille, whose husband, James, was beheaded at Bolton, xv. Octob. MDCLII. for the strenuously adhering to Charles the Second, who refused a bill, past unanimously by both houses of parliament, for restoring to the family the estate lost by his loyalty to him. MDCCXXXII^b." His majesty, however, rewarded the son with the lord lieutenancies of two counties^c!"

^a Wodrow's History of the Sufferings of the Church of Scotland, vol. I. p. 56. fol. Edinb. 1721. See also Biographia Britannica, p. 1150.

^b Rapin's History of England, by Tindal, vol. II. p. 586. in the notes.

^c Catalogue of Royal and Noble Authors, vol. II. p. 4.

by weak reasons. After this, we shall not

Clarendon we have had occasion frequently to quote. He was a man of parts, and industry ; though not very fit for a statesman, by reason of his pride, vanity, partiality, and ignorance in public affairs. Attached, however, he was to his master, by principle and inclination ; and studious to promote his interest. The recommendation of Charles I. whose cause he had espoused, and a long exile, had given him consequence with the young monarch ; to whom his understanding and diligence were, on many occasions, very useful, surrounded as he was by visionaries, debauchees, and idlers of various kinds.

At the Restoration, this man was loaded with honours and favours : but he soon lost ground with the king, who suffered his enemies to persecute him ; and even joined with them so far as to hurry him out of the kingdom, and assent to a bill devised for his perpetual banishment. If the account his lordship has given of this affair, be true ; the king must have had a base heart indeed. For his lordship informs us, “ that his majesty sent to the archbishop of Canterbury, that he should, in his majesty’s name, command all the bishops’ bench to concur in thanking him for removing the chancellor [Clarendon] ; that he publicly denied what he had declared to the duke of York, and which he had given him liberty to report, in his vindication ; that he discoursed of him differently to different persons ; and, lastly, by deceitful promises, induced him to fly, and thereby expose himself, with seeming justice, to the penalties which were afterwards inflicted on him².” Whether the chancellor was justly punished

² Continuation, vol. III. p. 841—867.

by parliament, is not here the question.——I will add but one instance more of the ingratitude of Charles; but that is such a one as will serve to illustrate his character very remarkably.——It is well known that Charles I. was talked of as a martyr, both before and after his son's restoration: as a martyr, therefore, it was naturally to be supposed he would be honoured. This, of course, would produce a solemn interment; and a superb monument, suitable to the great merits and dignity of the person. And, if lord Clarendon may be believed, “his majesty had resolved to do it before his coming into England.” Why it was not done, his lordship has told us a long-winded story; the substance of which is, that the body of the king's father could not be found at Windsor, where it had been interred, because the lords Southampton and Lindsey, who had attended on that occasion, “could not recollect their memories, nor find any one mark by which they could make any judgment near what place the king's body lay^a.”—This was the excuse to save appearances; and cover over disregard and neglect of a parent, who, in his eye, had nothing of the tyrant or foe to mankind. For, in fact, it was nothing but an excuse; and founded in falsehood too.——“It has been made a question, and a wonder, by many, why a particular monument was not erected for Charles I.” says Echard, “after the restoration of his son; especially when the parliament was well inclined to have given a good sum for that grateful purpose. This has caused several conjectures, and reflections: and intimations have been given, as if the royal body had never been deposited there [Windsor]; or, else, had afterwards

^a Clarendon's Continuation, vol. II. p. 192. and History of the Rebellion, vol. V. p. 261.

been removed by the regicides: and the lord Clarendon himself speaks softly and suspiciously of this matter, as if he believed that the body could not be found. But to remove all imaginations, we shall insert a memorandum, or certificate, sent by Mr. John Sewell, a register at Windsor Castle: ‘Anno 1696, September twenty-first, the same vault in which king Charles the First was buried, was opened, to lay in a still-born child of the then princess of Denmark, now our gracious queen. On the king’s coffin, the velvet pall was strong and sound; and there was about the coffin a leaden band, with this inscription cut through it, KING CHARLES, MDCXLVIII. Queen Jane’s coffin was whole, and entire: but that of king Henry the Eighth was sunk in upon the breast part; and the lead and wood consumed with the heat of the gums he was embalmed with: and when I laid my hand on it, it was run together, and hard, and had no noisome smell.’ ‘As a farther memorandum, relating to king Charles’s interment,’ he says, ‘that when the body of king Charles the First lay in state, in the dean’s hall, the duke of Richmond had the coffin opened, and was satisfy’d that it was the king’s body. This several people have declared they knew to be true, who were alive, and then present; as, Mr. Randolph of New Windsor, and others: so that he thinks the lord Clarendon was misled in that matter; and that king Charles the Second never sent to enquire after the body, since it was well known, both to the inhabitants of the castle and town, that it was in that vault.’ That lord Clarendon’s tale is mere fiction, may be, I think, concluded from the house of commons voting, Jan. 30, 1677, sixty-eight thousand pounds for the

² History of England, vol. II. p. 649.

wonder to find him unjust to such as were not in his favour^s; or even cruel to those

interment of Charles I. and for erecting him a monument.—In Grey's Parliamentary Debates, there are several speeches of the courtiers in favour of the resolution;—not a word, from any one, that it was difficult to find the body^a.—A bill was brought in, and ordered to be read a second time; whether it was passed into a law, or not, I cannot certainly say.—If not, his majesty must be blamed; for the house expressed a high veneration for the martyr.—Such was the gratitude of Charles to his father! Such the reverence and regard to his memory! The obligations to parents are of the highest nature; and to be ungrateful to them, is to expose one's self to the hatred and contempt of mankind. “*Omnes immemorem beneficij oderunt: eamque injuriam in deterrenda liberalitate sibi etiam fieri; eumque, qui faciat, communem hostem tenuiorum putant^b.*”

^s He was unjust to such as were not in his favour; &c.] Sheffield says, “ He was surely inclined to justice; for nothing else would have retained him so fast to the succession of a brother, against a son he was so fond of, and the humour of a party he so much feared. I am willing also to impute to his justice, whatever seems in some measure to contradict the general opinion of his clemency; as his suffering always the rigour of the law to proceed not only against all high-waymen, but also several others, in whose cases the lawyers (according to their wonted custom) had used sometimes a great deal of hardship and severity.”

^a Journal; and Grey's Debates, vol. V. p. 32. ^b Cicero. ^c Sheff.
field's Works, vol. II. p. 58.

who, by their actions, or writings, had procured his displeasure.—In respect to

Burnet however declares, “ that he seemed to have no bowels or tenderness in his nature: and in the end of his life he became cruel. He was apt to forgive,” continues this writer, “ all crimes; even blood itself: yet he never forgave any thing that was done against himself, after his first and general act of indemnity, which was to be reckoned as done rather upon maxims of state than inclinations of mercy^a.”—This seems very severe; but may, notwithstanding, be much more true than the character given by the duke of Buckingham, just above recited. Let facts, however, determine. Harrington, the celebrated writer of the *Oceana*, had been a companion of Charles I. in the midst of his distresses; by whom he was esteemed, and regarded. He was, however, a republican; and writ many noble pieces in that cause, which have conveyed his name down with honour to posterity. This man, in December, 1661, was seized, and committed to the Tower, for treasonable designs and practices: and though no proof at all was made of it, he lay in close confinement there five months, and afterwards, unknown to his friends, was suddenly hurried on shipboard, and confined in St. Nicholas Island, near Plymouth. This impaired his health, and brought on disorders, which rendered the remaining part of his life very unhappy. This, surely, was injustice: injustice in the king, to whom his case had been represented, and from whom even an exchange of prison could not be obtained but on excessive bail^b.—Nevill, the author of *Plato Redivivus*,

^a Burnet, vol. I. p. 612.

^b See Toland's *Life of Harrington*,

Wood's *Athenæ*, and *Biographia Britannica*,

a man of rank and learning, suffered also imprisonment; as did Wildman, and many others of the party, for feigned crimes: it being the mode of the court, at this time, to invent tales, in order to cover over their malice to such as had been their opponents. Particulars will easily be recollected by such as are conversant in our histories.—But the case of Sir Henry Vane is so very remarkable, and the king himself was so deep in the design against his life, which was most unjustly taken from him, that I cannot do justice to my subject without enlarging on it. It is well known that this gentleman had a principal hand in bringing lord Strafford to justice; in resisting the tyranny of Charles I. and reducing him to a condition in which he was glad to sue for peace; and that he even advised against closing with him in the Isle of Wight. He, however, never sat in judgment on the king: he never closed with Cromwell, but suffered imprisonment from him; and adhered steadily to the cause of the parliament, which from the beginning he had embraced. On these accounts, though he was excepted in the Bill of Indemnity, the lords and commons joined in a petition to the king, that if he were attainted, yet execution as to his life might be remitted, as he was not one of the immediate murderers of his father; against whom alone his majesty had declared his pleasure to proceed^a. On the petition's being presented, by the lord chancellor, it was promised to be complied with by the king^b. His life was now deemed safe. But on a new parliament being called, which was wholly devoted to the court, it was determined that he should feel the effects of its resentment. Accordingly the house of com-

^a See Journa's of the House of Commons, Sept. 5, 1660.
vol. VII. p. 914.

^b Thurloe,

mons ordered, “ that Sir Henry Vane, and col. Lambert, that are wholly excepted and foreprized out of the Act of Indemnity, be left to be proceeded against according to law: and it is recommended to Mr. Attorney General, to take care of the proceedings against them^a. ” The order was once or twice more renewed: and Sir Henry, in consequence thereof, was brought to a trial at the King’s Bench, June 2 and 6, 1662. The indictment was for high treason, evidenced “ by consulting, with others, to bring the king to destruction, and to hold him out from the exercise of his regal authority; and then, usurping the government, and appointing officers of the army raised against the king; as also assembling in a warlike manner.” This indictment, it is evident, was fitted for almost every person concerned in the government from the death of the late king, whose death is not laid to Sir Henry’s charge, though it was the alone crime which his present majesty, as we have seen, declared that he desired should be capitally punished. Vane made several exceptions to the indictment; and, among other things, said, “ Here is a long time of action for which I am charged; and I may be concerned for what I acted as a member in that sovereign court of parliament; and if any thing concerns the jurisdiction of that court, I ought not to be judged here^b. ” The court and council at this took great offence. However, upon his pleading Not guilty, four days were allowed him to prepare himself for his trial.

On the day appointed, the prisoner was brought to the bar; where the attorney general opened the charge, and witnesses were called in support of it. Sir Henry then was required to make his defence: which he did

^a Journal, July 1, 1661.
1730.

^b State Trials, vol. II. p. 424. fol. Lond.

with great freedom, spirit, and bravery. Among other things, he said, “ If he should be now called in question for those things which were transacted in that parliament, of which he was a member; he should have the comfort and peace of those actions to support him in his greatest sufferings.” He added, “ That if he were excepted [from pardon], then must he be judged for the crime of the whole nation: and that crime must be ravelled into through him: that the case is such as never yet fell out; to wit, that the government being entrusted to three estates, they should so fall out among themselves, as the people cannot tell which to obey: that where these great changes fall out, it is not possible for any man to proceed according to all formalities of law: that there was a political power, by the act of 17 Caroli, co-ordinate with the king; and where these powers are not in conjunction, but in enmity to each other, no court, inferior to the parliament, by whose authority these things were acted, ought to be judges of this case, which certainly never happened before.—He, moreover, offered these points to be considered, and pray’d earnestly to have council assigned him to speak to them.

“ 1. Whether the collective body of the parliament can be impeached of high treason?

“ 2. Whether any person, acting by authority of parliament, can (so long as he acted by that authority) commit treason?

“ 3. Whether matters, acted by that authority, can be called in question in an inferior court?

“ 4. Whether a king *de jure*, and out of possession, can have treason committed against him, he not being king *de facto*, and in actual possession?”

It may very easily be supposed, that all these ques-

tions were determined by crown law; and that the prisoner, notwithstanding all he could say, was found guilty of high treason. On this, his majesty was determined, notwithstanding his promise, to avail himself of the verdict: as appears by the following copy of an original letter, written from "Hamton Court, Saturday, two in the afternoone.

" The relation that hath been made to me of Sir H. Vane's carriage yesterday, in the Hall, is the occasion of this letter; which, if I am rightly informed, was so insolent as to justify all he had done, acknowledging no supreame power in England but a parl. and many things to that purpose. You have had a true account of all; and if he has given new occasion to be hanged, certaynly he is too dangerous a man to lett live, if we can honestly put him out of the way. Thinke of this, and give me some accounte of it tomorrow: till when I have no more to say to you ^a."

" To the chancellour."

This letter, it is apparent, was written June 7, 1662; and that day se'nnight Sir Henry Vane was beheaded on Tower-hill: where he behaved in a manner worthy of himself, and the cause of liberty in which he had embarked. The king's letter needs no comment.—

Lord Clarendon has not taken notice of any part of this affair.—Lambert, at the same time, was condemned; but reprieved and afterwards banished for life. And, it is very probable, Hasilrig would have paid dearly for his past transactions, had not death seized on him in the Tower: for, after his death, his transactions were reported to the house of commons; and it was resolved, *nem. con.* that Sir A. Hasilrig was guilty of high treason; and that all his estate, real and

^a In the possession of James West, of Covent Carden, Esq.

personal, be confiscate and forfeited for the said treason: though an address was, at the same time, resolved to be made to his majesty, by petition, to restore his estate, in pursuance of the duke of Albemarle's [Moncke's] engagement²."

The imprisonment of these three men, even before it was certainly known what their fate would be, made Algernon Sidney determine to tarry abroad, contrary to the first advice of his friends. "I have ever had in my mind," says that upright and virtuous man, "that when God shall cast me in such a condition, as that I cannot save my life but by doing an indecent thing; he shews me the time is come wherein I should resign it. And when I cannot live in my own country, but by such means as are worse than dying in it: I think he shews me, I ought to keep myself out of it. Let them please themselves with making the king glorious, who think a whole people may justly be sacrificed, for the interest and pleasure of one man and a few of his followers: let them rejoice in their subtilty, who, by betraying the former powers, have gain'd the favour of this, not only preserv'd, but advanc'd themselves in these dangerous changes. Nevertheless (perhaps) they may find the kings glory is their shame; his plenty, the people's misery: and that the gaining of an office, or a little money, is a poor reward for destroying a nation! (which if it were preserved in liberty and virtue, would truly be the most glorious in the world) and that others may find they have, with much pains, purchased their own shame and misery; a dear price paid for that which is not worth keeping, nor the life that is accompanied with it. The honour of English parliaments has ever been in making the nation glorious and

² Journal, July 11, 1661.

happy; not in selling and destroying the interest of it, to satisfy the lusts of one man. Miserable nation! that, from so great a height of glory, is fallen into the most despicable condition in the world, of having all its good depending upon the breath and will of the vilest persons in it! cheated and sold by them they trusted!—Infamous traffick! equal almost in guilt to that of Judas! In all preceding ages, parliaments have been the pillars of our liberty, the sure defenders of the oppressed. They, who formerly could bridle kings, and keep the ballance equal between them and the people, are now become the instruments of all our oppressions, and a sword in his hand to destroy us. They themselves led by a few interested persons, who are willing to buy offices by themselves, by the misery of the whole nation, and the blood of the most worthy and eminent persons in it. Detestable bribes! worse than the oaths now in fashion in this mercenary court! I mean to owe neither my life nor liberty to any such means: when the innocence of my actions will not protect me, I will stay away till the storm be overpassed. In short, where Vane, Lambert, and Hasilrigg, cannot live in safety; I cannot live at all. If I had been in England, I should have expected a lodging with them: or, tho' they may be the first, as being more eminent than I, I must expect to follow their example in suffering, as I have been their companion in acting. I am most in amaze at the mistaken informations that were sent me by my friends, full of expectations of favours, and employments. Who can think that they, who imprison them, would employ me; or suffer me to live, when they are put to death? If I might live, and be employed; can it be expected, that I should serve a government that seeks such detestable ways of establishing itself? Ah! no: I have not learnt to make

his morals, he was one of the most perfect

my own peace, by persecuting and betraying my brethren, more innocent and worthy than myself. I must live by just means, and serve to just ends, or not at all, after such a manifestation of the ways by which it is intended the king shall govern. I should have renounced any place of favour, into which the kindness and industry of my friends might have advanced me, when I found those that were better than I were only fit to be destroyed. I had formerly some jealousies : the fraudulent proclamation for indemnity increased them ; the imprisonment of those three men, and turning out all the officers of the army, contrary to promise, confirmed me in my resolutions not to return ^a."

What noble sentiments are here ! All antiquity cannot produce a finer than the letter in which they are contained : nor do the names of Brutus, or Timoleon, do more honour to ancient Greece and Rome, than Algernon Sidney's to England. We shall, hereafter, see him act with equal dignity in the last scene of life ; when the injustice of the prince towards him, which is here feared, was made conspicuous to all ^b.

" Hail those old patriots ; on whose tongue
Perswasion in the senate hung,
Whilst they this sacred cause maintain'd !
Hail those old chiefs, to honor train'd ;
Who spread, when other methods fail'd,
War's bloody banner, and prevail'd !
Shall men like these, unmention'd, sleep
Promiscuous with the coimmon heap,
And (Gratitude forbid the crime !)
Be carried down the stream of time

^a Brown's Letters, vol. I. p. 62. 8vo. Lond. 1705.

^b See note 32.

profligates⁶ to be met with in history ; his

In shoals, unnotic'd and forgot,
 On Lethe's stream, like flags, to rot ?
 No ! —— they shall live : and each fair name
 Recorded in the book of fame,
 Founded on honor's basis, fast
 As the round earth to ages last.”

CHURCHILL.

⁶ He was most profligate in point of morals.] Many princes have practised gallantry ; many kings lived in adultery : but, for the most part, they have had some regard to decency ; some reverence for their characters.—But Charles kept no measures : he spoke, and did, those things which are hardly to be mentioned without blushing. Those who will see them revealed, need only read, Butler's Court Burlesqued, Rochester's and Marvel's Satires, and some other poets of the age. Writers of this kind are generally, indeed, supposed to heighten ; but, I believe, if we attend to facts, we shall find them to have exceeded but little on the occasion.

—“ He was apter to make broad allusions upon any thing that gave the least occasion, than was altogether suitable with the very good breeding,” says lord Halifax, “ he shewed in most other things. The company he kept, whilst abroad, had so used him to that sort of dialect ; that he was so far from thinking it a fault, or indecency, that he made it a matter of rillery upon those who could not prevail upon themselves to join in it. As a man who hath a good stomach loveth, generally, to talk of meat ; so, in the vigour of his age, he began that style, which, by degrees, grew so natural to him, that, after he ceased to do it out of pleasure, he continued to do it out of custom. The hypocrisy of the former times inclined men to think they could not shew too great an aversion to it ; and that helped to

adulteries being open, abandoned, and ac-

encourage this unbounded liberty of talking without the restraints of decency which were before observed. In his more familiar conversations with the ladies, even they must be passive if they would not enter into it. How far sounds, as well as objects, may have their effects to raise inclination, might be an argument to him to use that style; or whether using liberty, at its full stretch, was not the general inducement without any particular motives to it^a.—Nor are we to wonder at all at this: since, according to the duke of Ormonde, “ his majesty spent most of his time with confident young men, who abhorred all discourse that was serious, and in the liberty they assumed in drollery and raillyery, preserved no reverence towards God or man; but laughed at all sober men, and even at religion itself^b. ”—Nothing, indeed, if we believe Clarendon, could be more abandoned than the companions of this king.—Mr. May (of the privy purse), speaking of the fire of London, hardly then extinguished, “ presumed to assure the king, that this was the greatest blessing God had ever conferred upon him, his restoration only excepted: for the walls and gates being now burned and thrown down of that rebellious city, which was always an enemy to the crown, his majesty would never suffer them to repair and build them up again, to be a bit in his mouth, and a bridle upon his neck: but would keep all open, that his troops might enter upon them whenever he thought necessary for his service; there being no other way to govern the rude multitude, but by force^c. ”—What a vile

^a Character of K. Charles II. p. 30.
vol. II. p. 85.

^b Clarendon's Continuation,

^c Id. vol. III. p. 675.

companied with cruelties to his queen,

miscreant!——But to proceed. The duke of Buckingham observes, “ that, in his pleasures, he was rather abandoned than luxurious ; and, like our female libertines, apter to be debauched for the satisfaction of others ; than to seek, with choice, where most to please himself. I am of opinion also, that, in his latter times, there was as much of laziness as of love, in all those hours he passed among his mistresses : who, after all, served only to fill up his seraglio ; while a bewitching kind of pleasure, called sauntering, and talking without any constraint, was the true sultana queen he delighted in^a. ” — Burnet is of opinion, “ that the ruin of his reign, and of all his affairs, was occasioned, chiefly, by his delivering himself up, at his first coming over, to a mad rauge of pleasure. One of the race of the Villars,” adds he, “ then married to Palmer, soon after made earl of Castlemain, who afterwards being separated from him, was advanced to be duchess of Cleveland, was his first and longest mistress, by whom he had five children. She was a woman of great beauty, but most enormously vicious and ravenous ; foolish, but imperious ; very uneasy to the king ; and always carrying on intrigues with other men, while yet she pretended she was jealous of him. His passion for her, and her strange behaviour towards him, did so disorder him, that often he was not master of himself, nor capable of minding business^b. ” In another place, the same writer says, “ He delivered himself up to a most enormous course of vice, without any sort of restraint, even from the consideration of the nearest relations. The most studied extra-

^a Buckingham’s Works, vol. II. p. 57.

^b Burnet, vol. I. p. 94.

which few men, but himself, would have

gancies that way seemed, to the very last, to be much delighted in and pursued by him^a.”—But enough of these general characters. Let us now proceed to facts.—Charles, we have seen, whilst abroad, entertained a commerce with the sex. On his restoration, Mrs. Palmer became his mistress: but being married to Catherine of Portugal, May 21, 1662, it was naturally expected that he would break with the mistress, or, at least, keep his acquaintance with her as private as possible. But marriage made no alteration in him. So far was he from making a secret of his adultery, that he brought his lady under the queen's nose, and insisted on her being appointed of the bed-chamber. Some persons, it seems, remonstrated to him on the subject: but the effect it had will be seen from the following copy of an original letter, which is known to be genuine by some of the most respectable personages in England. It was written to lord Clarendon from Hampton Court, Thursday morning (without the day of the month, or date of the year), in these terms:

“ I forgott, when you weare here last, to desire you give Brodericke good councell not to meddle any more with what concernes my lady Castlemaine, and to let him have a care how he is the author of any scandalous reports; for if I find him guilty of any such thing, I will make him repent it to the last moment of his life. And now I am entered on this matter, I think it very necessary to give you a little good councell in it, least you may think that, by making a farther stirr in the businesse, you may divert me from my resolution;

^a Burnet, vol. I. p. 612.

had the heart to have practised towards the

which all the world shall never do: and I wish I may be unhappy in this world, and in the world to come, if I faile in the least degree of what I have resolved; which is, of making my lady Castlemaine of my wives bedchamber: and whosoever I find use any endeavours to hinder this resolution of mine (except it be only to myself), I will be his enemy to the last moment of my life. You know how true a friende I have been to you: if you will oblige me eternally, make this businesse as easy to me as you can, of what opinion soever you are of; for I am resolved to go through this matter let what will come on it, which again I solemnly swear, before Almighty God: therefore, if you desire to have the continuance of my friendship, meddle no more with this businesse, excepte it be to beate downe all false and scandalous reports, and to facilitate what I am sure my honor is so much concerned in; and whosoever I finde to be my lady Castlemaines enemy in this matter, I do promise, upon my word, to be his enemy as long as I live. You may shew this letter to my lord lieutenant^a; and if you have both a mind to oblige me, carry yourselves like friends in this matter.

“ CHARLES R.”

This letter had its effect on the lord chancellor: for it appears, by his own account, that, instead of throwing up his post like a man of honour and virtue, and bidding an everlasting adieu to the court of so infamous a master; instead of doing this, he took on himself the mean and wicked office of attempting to persuade her majesty to comply with the king’s resolution with

^a Ormonde, appointed lord lieutenant of Ireland, Nov. 4, 1661.

lowest of the sex ; and which, had he been

respect to his mistress^a. The queen, with a spirit which does honour to her character, in several conferences, absolutely refused : and it was not till after receiving the most shocking treatment from his majesty, that she would vouchsafe to have any intercourse with her. Afterwards the lady, for some years, was all-powerful.—But his majesty was far from confining himself to a single mistress ; or making a scruple of having it known, that he entertained familiarity with many. In the latter end of his days, in a progress to Winchester, he took Nell Gwin with him ; and Dr. Ken's house, which he held in right of his prebend, was marked for her use : but the doctor, to his honour, refused her admittance, and she was forced to seek other lodgings^b.—The king, indeed, was ashamed of nothing : nor did he care what foreign nations, or his own people, might think or say of him. This is evident from the grant of Lewis XIV. of France, to the duchess of Portsmouth, of the duchy of Aubigny ; in which it is recited, “ that he, in regard to the king of Great Britain, had, by his letters patent, granted to the lady Lovise Renée de Penencourt de Keroualle, duchess of Portsmouth, the said territory of Aubigny, with all right to the same belonging, for her life ; remainder to such of the natural children as she shall have by the king of Great Britain, in tail male, by the said king to be named ; remainder to the crown of France. And whereas the said king of Great Britain had appointed prince Charles Lennox, duke of Richmond, his natural son, master of the horse, and knight

^a Clarendon's Continuation, vol. II. p. 329—39.
By Hawkins, p. 9. 8vo. Lond. 1713.

^b Ken's Life,

indeed possessed of that great good-nature

of the garter, to succeed the said duchess of Portsmouth in the said inheritance; he, the said king of France, being willing to annex to the said inheritance a proper title, and such as should be agreeable to the illustrious birth of the said duke of Richmond; and, at the same time, to confer honor on the said duchess of Portsmouth—erects the said town, &c. into a dutchy and peerdom of France^a.”—Madame de Sevigne, in one of her letters, speaking of this lady, says, “ Mademoiselle de K— has not been disappointed in any thing she proposed. She desired to be mistress to the king [of England], and she is so: he lodges with her almost every night in the face of all the court: she has had a son, who has been acknowledged, and presented with two dutchies. She amasses treasure; and makes herself feared and respected by as many as she can. But she did not foresee that she should find a young actress in her way, whom the king doats on; and she has it not in her power to withdraw him from her. He divides his care, his time, and his health, between these two. The actress is as haughty as Mademoiselle: she insults her, she makes grimaces at her, she attacks her, she frequently steals the king from her, and boasts whenever he gives her the preference. She is young, indiscreet, confident, wild, and of an agreeable humour. She sings, she dances, she acts her part with a good grace. She has a son by the king, and hopes to have him acknowledged. As to Mademoiselle, she reasons thus: ‘ This duchess,’ says she, ‘ pretends to be a person of quality: she says, she is related to the best families in France: whenever any

^a Collins's Peerage, vol. I. p. 204. last edit.

for which he has been often celebrated,

person of distinction dies, she puts herself in mourning. If she be a lady of such quality, why does she demean herself to be a courtesan? She ought to die with shame. As for me, it is my profession: I do not pretend to any thing better. The king entertains me; and I am constant to him at present. He has a son by me: I pretend that he ought to acknowledge him; and I am well assured he will, for he loves me as well as Mademoiselle.' This creature gets the upper-hand, and discountenances and embarrasses the duchess extreamly^a.”—What a figure must such a prince make in every discerning eye! Sir William Throckmorton, in a letter to Coleman, speaks of “the debauchery of the kings house, which,” adds he, “has made it so odious to all the nation and the world^b.”—He was not, however, to be reclaimed. In his last sickness, “the duchess of Portsmouth sat in bed, taking care of him as a wife of a husband; and, with his dying words, recommended her over and over again to his brother. He said, he had always loved her, and he loved her now to the last; and besought the duke, in as melting words as he could fetch out, to be very kind to her and to her son. He recommended his other children to him: and concluded, Let not poor Nelly starve. This was Mrs. Gwin^c,” [the actress abovementioned].

Besides these, Charles had other mistresses.—*Ma-chiavel observes*, “that nothing makes a prince more odious, than usurping the properties, and debauching the wives of his subjects^d.” On this his antagonist remarks, “that a selfish, unjust, violent, and cruel

^a Letter XCII. p. 607, 609.

^b Coleman's Letters, p. 76.

^d Prince, ch. xxix.

^c Burnet, vol. I.

he could not possibly have been guilty

prince, cannot fail to be hated by his subjects ; but it is not so with respect to gallantry. Julius Cæsar," continues the illustrious writer, " whom they styled at Rome the husband of all their wives, and the wife of all their husbands: Lewis XIV. who was a great lover of women : the late Augustus, king of Poland, who enjoyed them in common with his subjects : none of these princes were hated on account of their amours. And if Cæsar was assassinated ; if Rome, for its liberty, plunged so many daggers in his breast ; it was because Cæsar was an usurper, not because he was a man of gallantry. It may be objected, perhaps, in favour of our author, that the kings of Rome were expelled for the attempt upon the modesty of Lucretia. I answer, it was not the love which young Tarquin made to Lucretia, but the violent manner in which he made it, that raised the insurrection at Rome : and as this outrage revived in the memory of the people the other violences committed by the Tarquins, they took that opportunity of avenging themselves, and vindicating their liberty. After all, the adventure of Lucretia is, perhaps, a meer romance. I am far from saying this by way of excuse for the gallantry of princes, which may be morally bad : I only touch upon it, to shew that gallantry does not make a prince odious. The amours of a good king are always deemed a pardonable weakness, if they are not attended with injustice and violence. Make love like Lewis XIV. or Charles II. king of England ; or Augustus, king of Poland ; and you will be respected and caressed : but beware of imitating the amours of a Nero or a David."—

^a Anti-Machiavel, p. 209.

of?.—I shall only add, that, with re-

Whether the sentiments of Machiavel, or his refuter, on this subject, are most agreeable to morality or policy; the reader will determine. I shall only observe, that adultery is always attended with injustice.

⁷ Had he been possessed of good-nature, he could not have been guilty of.] Charles is spoken of, in general, “as familiar, easy, and good-natured^a:” as “pleasant and easy in company; where he bore his part, and was acceptable even to those who had no other design than to be merry with him^b.” This is his common character. But the late lord Orrery has observed, “that our historians have represented him as a good-natured man; ignorantly, or rather wilfully, mistaking good-humour and affability for tenderness and good-nature: neither of which last,” adds he, “are to be reckoned amongst this monarch’s virtues^c.”—Good-humour and affability are, undoubtedly, very different from tenderness and good-nature. The former are cultivated by those who are fond of riot; though they will not risk a moment’s trouble to serve, or save, their most favourite companions: the latter, by such who retain the feelings of humanity; and are awake to the calls of honour, virtue, and friendship.—Abroad, men appear disguised, for selfish purposes: in private and domestic life, nature exerts herself, and the real characters are displayed. If men, in their cool moments, can deliberately do very hard and cruel things; good-nature cannot possibly be ascribed to them.—Whether Charles was capable of this, let the reader judge from the following narratives.—“The revenue be-

^a Sheffield, vol. II. p. 59.
Orrery’s State Papers, fol. 1742.

^b Halifax, p. 32.

^c Preface to

spect to religion, though on all occasions he

longing to the order of the Garter was usually received," says Dr. Pope, " by the chancellor; and he paid the officers, and the poor knights of Windsor; the surplus the king had formerly granted to Sir Henry de Vic; and it was quietly possessed by him till he died; out of which he was to defray the charges and fees of admission of foreign princes, and noblemen, who were elected into that order. For this also the bishop of Salisbury [Ward] had the kings hand; which grant had been firm, and irrevocable, had the bishop sealed it with the seal of the order, which he kept in his possession; or caused it to pass the usual offices, which had been easy for him to have done then, being in much favour at court. But he made use of neither of these corroborations, and afterwards smarted for it sufficiently. In the last year of the reign of Charles II. and the first of the precipitate decay of the Bishop of Salisbury's intellects, some sagacious courtier found out a flaw in this grant; whereupon the bishop was sent for up to London, and obliged to refund the utmost penny, which, in so many years, amounted to a considerable sum; all which his majesty took, without any scruple or remorse²."—We have, in the last note, seen how intent his majesty was on making lady Castlemain of the queen's bed-chamber: we have observed that the queen, with spirit rejected the proposal: it remains now to show how his majesty treated her, for a refusal which every good man must necessarily commend. Lord Clarendon shall be the relator; as he cannot be supposed to be prejudiced against his master.—"The king," says his

² Life of Bish. Ward, p. 92, 8vo. Lond. 1697.

professed himself a protestant of the church

lordship, "came seldom into the queen's company: and when he did, he spake not to her; but spent his time in other diversions, and in the company of those who made it their business to laugh at all the world, and who were as bold with God Almighty as with any of his creatures. He persevered in all his resolutions without any remorse: directed a day for all the Portuguses to be embarked, without assigning any considerable thing of bounty to any of them, or vouchsafing to write any letter to the king or queen of Portugal of the cause of the dismission of them. And this rigour prevailed upon the great heart of the queen, who had not received any money to enable her to be liberal to any of those who had attended her out of their own country, and promised themselves places of great advantage in her family. And she earnestly desired the king, that she might retain some of those who were known to her, and of most use, that she might not be wholly left in the hands of strangers; and employed others to make the same suit to the king on her behalf. Whereupon the countess of Penalva, who had been bred with her from a child, and who, by the infirmity of her eyes, and other indisposition of health, scarce stirred out of her chamber, was permitted to remain in the court; and some few inferior servants in the kitchen and lowest offices, besides those who were necessary to her devotions, were left behind. All the rest were transported to Portugal. The officers of the revenue were required to use all strictness in the receipt of that part of the portion that was brought over with the fleet; and not to allow any of those demands which were made upon the computation of the value of money, and other allowances upon the account: and

of England, as by law established; yet, it

Diego de Silva, who was designed in Portugal, without any good reason, to be the queen's treasurer, and, upon that expectation, had undertaken that troublesome province to see the money paid in London by what was assigned to that purpose, was committed to prison for not making haste enough in the payment, and in finishing the account: and his commitment went very near the queen, as an affront done to herself. The Portugal ambassador, who was a very honest man, and so desirous to serve the king that he had upon the matter lost the queen, was heart-broken; and after a long sickness, which all men believed would have killed him, as soon as he was able to endure the air, left Hampton Court, and retired to his own house in the city. In all this time the king pursued his point; the lady came to the court, was lodged there, was every day in the queen's presence, and the king in continual conference with her²; whilst the queen sat untaken notice of: and if her majesty rose at the indig-
nity, and retired into her chamber, it may be one or two attended her; but all the company remained in the room she left, and too often said those things aloud which nobody ought to have whispered. The king (who had, in the beginning of this conflict, appeared still with a countenance of trouble and sadness, which

² How expensive the lady was to his majesty, we may learn from Mr. Marvel. —— “They have signed and sealed,” says he, “ten thousand pounds a year more to the duchess of Cleveland; who has likewise near ten thousand pounds a year out of the new farm of the country excise of beer and ale; five thousand pounds a year out of the post-office; and, they say, the reversion of all the king's leases, the reversion of all places in the custom-house, the green-wax, and, indeed, what not? All promotions, spiritual and temporal, pass under her cognizance.” — Works, vol. II. p. 75.

is highly probable, he lived for a great

had been manifest to every body, and no doubt was really afflicted, and sometimes wished that he had not proceeded so far, until he was again new chafed with the reproach of being governed, which he received with the most sensible indignation, and was commonly provoked with it most by those who intended most to govern him) had now vanquished, or suppressed, all those tendernesses and reluctances, and appeared every day more gay and pleasant, without any clouds in his face, and full of good-humour; saving, that the close observers thought it more feigned and affected, than of a natural growth. However, to the queen it appeared very real; and made her the more sensible, that she, alone, was left out of all jollities, and not suffered to have any part of those pleasant applications and caresses, which she saw made to almost every body else; an universal mirth in all company but in hers, and in all places but in her chamber; her own servants shewing more respect and more diligence to the person of the lady, than towards their own mistress, who they found could do them less good. The nightly meeting continued with the same or more license; and the discourses which passed there, of what argument soever, were the discourse of the whole court and of the town the day following: whilst the queen had the king's company those few hours which remained of the preceding night, and which were too little for sleep. All these mortifications were too heavy to be borne: so that, at last, when it was least expected or suspected, the queen, on a sudden, let herself fall first to conversation and then to familiarity, and, even in the same instant, to a confidence with the lady: was merry with her in publick, talked

number of years, as he certainly died a

kindly of her, and in private nobody used more friendly. This excess of condescension, without any provocation or invitation, except by multiplication of injuries and neglect, and after all friendships were renewed, and indulgence yielded to new liberty, did the queen less good than her former resoluteness had done. Very many looked upon her with much compassion; commended the greatness of her spirit, detested the barbarity of the affronts she underwent, and censured them as loudly as they durst; not without assuming the liberty, sometimes, of insinuating to the king himself, how much his own honour suffered in the neglect and disrespect of her own servants, who ought, at least in publick, to manifest some duty and reverence towards her majesty; and how much he lost in the general affections of his subjects: and that, besides the displeasure of God Almighty, he could not reasonably hope for children by the queen, which was the great if not the only blessing of which he stood in need, whilst her heart was so full of grief, and whilst she was continually exercised with such insupportable afflictions. And many, who were not wholly unversed with the king, nor strangers to his temper and constitution, did believe that he grew weary of the struggle, and even ready to avoid the scandal that was so notorious, by the lady's withdrawing from the verge of the court, and being no longer seen there, how firmly soever the friendship might be established. But this sudden downfall, and total abandoning her own greatness; this low demeanour, and even application to a person she had justly abhorred and worthily contemned, made all men conclude, that it was a hard matter to know her, and, consequently, to serve her. And

the king himself was so far from being reconciled by it, that the esteem, which he could not hitherto but retain in his heart for her, grew now much less. He concluded, that all her former aversion, expressed in those lively passions, which seemed not capable of dissimulation, was all fiction, and purely acted to the life, by a nature crafty, perverse, and inconstant. He congratulated his own ill-natured perseverance; by which he had discovered how he was to behave himself hereafter, and what remedies he was to apply to all future indispositions: nor had he, ever after, the same value of her wit, judgment, and understanding, which he had formerly; and was well enough pleased to observe, that the reverence others had for all three was somewhat diminished^a. — No remarks need be made on this narrative. Every humane man must feel an indignation arise in his breast against the actor of such barbarities. What—were the feeding of ducks, the humming of a song at a public entertainment, or mixing in the humours of the company, to counter-balance such vile behaviour? — We may, therefore, very easily believe Burnet, when he tells us, that the king, on his death-bed, “ said nothing of the queen; nor any one word of his people, or of his servants^b. ” His mind was incapable of sentiments of humanity. A selfish he was; whose thoughts terminated in himself, and who regarded none who were not subservient to his pleasures. Such characters are not uncommon in life; in the higher parts of it—as, in conformity to custom, they must be called:—but they are characters which will be despised, and execrated, as long as there is sense, or virtue, remaining in the world.

^a Clarendon's Continuation, vol. II. p. 339—343. ^b Burnet, vol. I. p. 609.

papist⁸. This, as it was a matter of great

⁸ He probably lived, as it is certain he died, a papist.] There had been suspicions of the king's being a papist, even before his restoration: and these had been increased by the favour shewn to many of the catholic persuasion, after his return. But his majesty always professed himself a zealous protestant, and a foe to the Romish church. In his letter to the Convention parliament, from Breda, he talks much of his zeal and concern for the protestant faith.—“ If you desire,” says he, “ the advancement and propagation of the protestant religion; we have, by our constant profession, and practice of it, given sufficient testimony to the world, that neither the unkindness of those of the same faith towards us, nor the civilities and obligations from those of a contrary profession (of both which we have had abundant evidence), could in the least degree startle us, or make us swerve from it; and nothing can be proposed to manifest our zeal and affection for it, to which we will not readily consent: and we hope, in due time, ourself to propose somewhat to you for the propagation of it, that will satisfy the world, that we have always made it both our care, and our study, and have enough observed what is most like to bring disadvantage to it.” Thus also, in a message sent by him to the house of lords, to be imparted to the house of commons, Ap. 2, 1663, his majesty “ declares, and assures both his houses of parliament, and all his loving subjects of all his dominions, that as his affection and zeal for the protestant religion hath not been concealed or untaken notice of in the world; so he is not, nor will ever be, so solicitous for the settling his own revenue, or providing any other expedients for the peace and tranquillity of

triumph to the Roman catholics, so was it

the kingdom, as for the advancement and improvement of the religion established, and for the using and applying all proper and effectual remedies to hinder the growth of popery^a.”—And in his speech to the parliament, March 6, 1678, O. S. he says, “I will with my life defend both the protestant religion and the laws of this kingdom.”—But notwithstanding these public professions, it is probable he was a papist in his heart. For Burnet affirms, “that before king Charles left Paris, he changed his religion; but by whose perswasion is not yet known: only cardinal de Retz was on the secret, and lord Aubigny had a great hand in it. It was kept a great secret. Chancellor Hyde had some suspicions of it, but would never suffer himself to believe it quite. Soon after the Restoration, that cardinal came over in disguise, and had an audience of the king: what passed is not known. The first ground I had to believe it was this: the marquis de Roucy, who was the man of the greatest family in France that continued protestant to the last, was much pressed by that cardinal to change his religion. He was his kinsman, and his particular friend. Among other reasons, one that he urged was, that the protestant religion must certainly be ruined; and that they could expect no protection from England: for, to his certain knowledge, both the princes were already changed. Roucy told this in great confidence to his minister; who, after his death, sent an advertisement of it to myself. Sir Allen Broderick, a great confident of the chancellor’s, who, from being very atheistical, became in the last years of his

^a Journals of the House of Commons.

a great blow to those who had had the impi-

life an eminent penitent, as he was a man of great parts, with whom I had lived long in great confidence, on his death-bed sent me likewise an account of this matter, which he believed was done at Fontainebleau, before king Charles was sent to Colea^a. ” Lord Halifax says, “ Some pretend to be very precise in the time of his reconciling ; the cardinal de Retz, &c. I will not enter into it minutely ; but whenever it was, it is observable that the government of France did not think it adviseable to discover it openly : upon which such obvious reflexions may be made, that I will not mention them. Such a secret can never be put into a place, which is so closely stopt that there shall be no chinks. ” Whisper went about, particular men had informations. Cromwell had his advertisements in other things ; and this was as well worth his paying for. There was enough said of it to startle a great many, though not universally diffused : so much that if the government here had not crumbled of itself, his right alone, with that and other clogs upon it, would hardly have thrown it down. I conclude, that when he came into England he was as certainly a Roman catholick, as that he was a man of pleasure ; both very consistent by visible experience. — The Roman catholicks complained of his breach of promise to them very early. There were broad peepings out ; glimpses so often repeated, that to discerning eyes it was glaring. In the very first year there were such suspicions as produced melancholy shakings of the head, which were very significant. His unwillingness to marry a protestant, though both the Catholick and the Christian crown

^a Burnet, vol. I. p. 73.

dence, on all occasions, to assert his regard

would have adopted her. Very early in his youth, when any German princess was proposed, he put off the discourse with rillery. A thousand little circumstances were a kind of accumulative evidence, which in these cases may be admitted. Men that were earnest protestants, were under the sharpness of his displeasure, expressed by rillery as well as by other ways. Men near him have made discoveries from sudden breakings out in discourse, &c. which shewed there was root. It was not the least skilful part of his concealing himself, to make the world think he leaned towards an indifference in religion. He had sicknesses before his death; in which he did not trouble any protestant divines. Those who saw him upon his death-bed, saw a great deal^a." The duke of Buckingham, however, seems not willing to allow him to have been a Roman catholic; at least not till the last scene of his life. His account cannot, consistently with the impartiality of history, be omitted.—Here, therefore, are his words. "I dare, confidently, affirm his religion to be only that which is vulgarly (tho' unjustly) counted none at all: I mean, deism. And this uncommon opinion he owed more to the liveliness of his parts, and carelessness of his temper, than either to reading or much consideration: for his quickness of apprehension, at first view, could discern thro' the several cheats of pious pretences; and his natural laziness confirmed him in an equal mistrust of them all, for fear he should be troubled with examining which religion was best. If in his early travels and late administration, he seem'd a little biassed to one sort of religion; the first is only to be

^a Character of K. Charles II, p. 6—11.

to the national religion: a blow yet the

imputed to a certain easiness of temper, and a complaisance for that company he was then forced to keep; and the last was no more than his being tired (which he soon was in any difficulty) with those bold oppositions in parliament; which made him almost throw himself into the arms of a Roman catholick party, so remarkable in England for their loyalty, who embraced him gladly, and lulled him asleep with those enchanting songs of absolute sovereignty, which the best and wisest of princes are often unable to resist. And tho' he engaged himself on that side more fully at a time when it is in vain and too late to dissemble; we ought less to wonder at it, than to consider that our very judgments are apt to grow in time as partial as our affections: and thus by accident only, he became of their opinion, in his weakness, who had so much endeavoured, always, to contribute to his power^a. —

A man disposed to criticise, has here an ample field for it. The causes and uncommonness of deism; the loyalty of English Roman catholics; and the accidental embracing an opinion different from what we have been wont to entertain in religion, in the article of death; are so glaringly absurd, that nothing but his grace's character, as a poet, can excuse them. I have not leisure, however, more particularly to examine them; and therefore shall content myself with observing, that, though this writer begins with affirming that Charles was a deist, he owns him biassed to popery living, and professing it in the most important moment: which is pretty near the thing which he sets himself to oppose. Such are the privileges of noble authors! —

^a Buckingham's Works, vol. II. p. 55.

more severe, as there were, soon after his

But there are not wanting other authorities, to render the charge of popery probable against Charles.—As early as in September 2, 1650, Mr. Whitlock tells us of “letters that propositions and motives were presented to the pope, on the behalf of king Charles the Second; shewing his good inclinations to the catholicks, by what he had done in Ireland for them, and in other instances; and desiring from his holiness considerable sums of money out of his treasury, and that he would send to all princes and states of the catholick religion in Europe, to contribute to the assistance of king Charles; with several other the like proposals, and a copy of them inclosed in the letters^a. ” Mr. Thurloe, in a letter to Mountague, afterwards lord Sandwich, dated, Whitehall, Ap. 28, 1656, says, “the pretended king—puts himself and his cause into the hands of the king of Spain, to be managed by him; and hath declared himself in private to them to be a Roman catholick, as they call it^b. ” Thurloe, we know, had the best intelligence.—Two or three paragraphs from Mr. Carte’s History of the Duke of Ormonde, will, in the opinion of a few, add some farther force to the foregoing proofs.—“The duke,” he tells us, “had some suspicions of the king’s change of religion, from the time that they removed from Cologne into Flanders; though he was not fully convinced, till about the time the treaty of the Pyrenees was going to be opened. The duke,” continues this writer, “was always a very early riser; and being then at Brussels, used to amuse himself, at times others were in bed, in walking about the town, and seeing the churches. Going one morning very

^a Whitlock, p. 469.

^b Ormonde’s Letters, vol. II. p. 102.

death, copies of two letters in defence of

early by a church, where a great number of people were at their devotions, he stepped in; and, advancing near the altar, he saw the king on his knees at mass. He readily imagined his majesty would not be pleased that he should see him there; and therefore retired as cautiously as he could, went to a different part of the church near another altar where nobody was, kneeled down, and said his own prayers till the king was gone. Some days afterwards, Sir Henry Bennet came to him, and told his grace, that the kings obstinacy, in not declaring himself a Roman catholick, put them to great difficulties; that the kings of France and Spain pressed him mightily to do it, and their ambassadors sollicited it daily, with assurances, that if he would make that public declaration, they would both assist him, jointly, with all their powers, to put him on the throne of England like a king; that he and others had urged this, and endeavoured to persuade him to declare himself, but all in vain; that it would ruin his affairs if he did not do it; and begged of the duke of Ormonde to join in persuading him to declare himself. The duke said, he could never attempt to persuade his majesty to act the hypocrite, and declare himself to be what he was not in reality. Sir Henry thereupon replied, That the king had certainly professed himself a Roman catholick, and was a real convert; only he stuck at the declaring himself so openly. The duke of Ormonde answered, He was very sorry for it; but he could not meddle in the matter: for the king having never made a confidence of it to him, would not be pleased with his knowledge of the change he had made; and for his own part, he was resolved never to take any notice of it to his majesty, till he himself first made him the dis-

the authority of the Church of Rome, pub-

covery. Sometime afterwards, George, earl of Bristol, came to the duke, complaining of the folly and madness of Bennet, and others about the king, who were labouring to perswade him to what would absolutely ruin his affairs. The duke asking what it was; the other replied, that it was to get the king to declare himself a Roman catholick; which if he once did, they should be all undone: and therefore desired his grace's assistance to prevent so fatal a step. The duke of Ormonde said, It was very strange, that any body should have the assurance to offer to perswade his majesty to declare himself what he was not; especially in a point of so great consequence. Bristol answered, That was not the case, for the king was really a Roman catholick; but the declaring himself so would ruin his affairs in England. And as for the mighty promises of assistance from France and Spain, you, my lord, and I, know very well, that there is no dependance or stress to be laid on them, and that they would give more to get one frontier garrison into their hands, than to get the catholick religion established, not only in England but all over Europe: and then desired his grace to join in diverting the king from any thoughts of declaring himself in a point which would certainly destroy his interest in England for ever, and yet not do him the least service abroad. The duke allowed, that the earl of Bristol judged very rightly in the case; but excused himself from meddling in the matter, because the king had kept his conversion as a secret from him, and it was by no means proper for him to shew that he had made the discovery ²." After the Restoration, the king,

² Carte's History of the Duke of Ormonde, vol. II. p. 254.

lished by the command of his brother and

as we have seen, professed himself a protestant: but at the time of his death he took off the mask, and openly appeared to be what he really was. In the paper, entitled, "A brief account of particulars occurring at the happy death of our late Sovereign Lord, King Charles II. in regard to religion; faithfully related by his then assistant, Mr. Jo. Huddleston;" printed in the second volume of the State Tracts of this reign; we read, That "he [Huddleston] being called into the kings bed-chamber, the king declared, that he desired to die in the faith and communion of the holy Roman catholic church: that he was most heartily sorry for all the sins of his past life; and, particularly, for that he had deferred his reconciliation so long: that through the merits of Christ's passion, he hoped for salvation: that he was in charity with all the world: that with all his heart he pardon'd his enemies; and desired pardon of all those whom he had any wise offended: and that if it pleased God to spare him longer life, he would amend it; detesting all sin. I then advertiz'd his majesty," says the writer, "of the benefit and necessity of the Sacrament of Penance; which advertizement the king most willingly embracing, made an exact confession of his whole life, with exceeding compunction and tenderness of heart: which ended, I desired him in farther sign of repentance and true sorrow for his sins, to say, with me, a little short act of contrition.—This he pronounced with a clear and audible voice: which done, and his sacramental penance admitted, I gave him absolution. After some time thus spent, I asked his majesty, if he did not also desire to have the other sacraments of the holy church administered unto him? He reply'd, By all means: I de-

successor, and attested by him to be found

sire to be a partaker of all the helps and succours necessary and expedient for a catholic christian in my condition. I added, And doth not your majesty also desire to receive the pretious body and blood of our dear Saviour, Jesus Christ, in the most holy sacrament of the Eucharist ? his answer was this : If I am worthy, pray fail not to let me have it. I then told him, it would be brought to him very speedily, and desired his majesty, that in the interim he would give me leave to proceed to the sacrament of Extream Unction ; he reply'd, With all my heart. I then anoyled him ; which as soon as performed, I was called to the door, whither the blessed sacrament was now brought and delivered to me. Then returning to the king, I entreated his majesty, that he would prepare and dispose himself to receive. At which the king, raising up himself, said, Let me meet my heavenly Lord in a better posture than in my bed. But I humbly begg'd his majesty to repose himself. God Almighty, who saw his heart, would accept of his good intention. The king then having recited the forementioned act of contrition with me, he receiv'd the most holy sacrament for his viaticum ^a." &c. &c.

This account is confirmed by a letter from J. Aprice, Romish priest, to Mr. William Lynwood, in Deane, Northamptonshire, dated, Feb. 16, 1685.—“ That God,” says he, “ who preserved our late king, of blessed memory, by so many wonderful miracles, all his life-time, did also at his death call him to his mercy, by making him to be reconciled to his holy church ; which he did in this manner : The day he fell ill, which was

^a State Tracts, vol. II. p. 28.

in Charles's strong box, and in his closet,

the Monday, he was no sooner recovered of his fit, but his trusty loving brother, our now most gracious sovereign, fearing a relapse, put him in mind of his soul; which advice he immediately embraced, and desired no time might be lost in the execution of it. Whereupon Mr. Huddleston was commanded to attend incessantly thereabouts. But the great affairs of the nation coming perpetually before them, time could not possibly be found till Thursday. But the king, finding his natural strength decay, commanded, of his own accord, all to retire out of the room; telling them that he had something to communicate to his brother. Then Mr. Huddleston being brought in, that great work was done, and with that exactness, that there was nothing omitted either necessary or decent: and, as Mr. Huddleston himself has told me, by a particular instance of God's grace, the king was as ready and apt in making his confession, and all other things, as if he had been brought up a catholick all his life-time: and from that moment till eight of the clock the next day, at which time his speech left him, he was heard to say little but begging Almighty God's pardon for all offences, and the like: so that we may joyfully say, God have mercy of his soul, and make him eternally participant of his kingdom of heaven^a.—There, probably, was no occasion for God's grace to make "the king ready and apt in making his confession, and all other things." Use and custom had rendered them habitual; and the ease he had found in them, amidst all his crimes, rendered him, we may well suppose, desirous, at this time, of performing them; that he might have the mighty

^a See Appendix.

and written in his own hand⁹.—These,

comfort of sacerdotal prayers and absolution, and, thereby a right to the kingdom of heaven.—O Superstition! thou subduer of the old, and young; of the ignorant, and men of understanding; how great is thy power, how amazing thy empire, over the minds of men! Who could have thought that a prince, so abandoned as Charles; so sensible, and penetrating; so capable of seeing the ridicule of nonsense and absurdity, and exposing them to standers-by: who could think that this man, who had consented to law which incapacitated all persons, who should affirm that he was a papist, from bearing office²; and had even permitted persons to be punished very severely, for professing that mode of belief: who, I say, could think that this very man should be under its influence; and imagine, the wise and good God would be moved by tricks and fooleries, to forgive such as never strived to resemble him! But he loved not truth, or virtue. By vice, his understanding was darkened: and he had long lost the only sure guard against delusion, honesty and integrity.

⁹ Copies of two letters, found in the king's strong box, written in his own hand.] The first paper:

“ The discourse we had the other day, I hoped, satisfied you, in the main, that Christ can have but one church here upon earth; and I believe, that it is as visible as that the scripture is in print, that none can be that church, but that which is called the Roman catholic church. I think you need not trouble yourself with entering into that ocean of particular disputes, when the main, and, in truth, the only question is, where that church is which we profess to believe in the

² Stat. 13 Car. II. c. 1.

as they may be a curiosity to many of my

two creeds? We declare there, to believe one catholic and apostolical church; and it is not left to every phantastical mans head to believe as he pleases, but to the church, to whom Christ hath left the power upon earth to govern us in matters of faith, who made these creeds for our directions. It were a very irrational thing to make laws for a country, and leave it to the inhabitants to be the interpreters and judges of those laws: for then every man will be his own judge, and, by consequence, no such thing as either right or wrong. Can we therefore suppose, that God Almighty would leave us at those uncertainties, as to give us a rule to go by, and leave every man to be his own judge? I do ask any ingenuous man, whether it be not the same thing to follow our own phancy, or to interpret the scripture by it? I would have any man shew me, where the power of deciding matters of faith is given to every particular man. Christ left his power to his church, even to forgive sins in heaven; and left his spirit with them, which they exercised after his resurrection: first, by his apostles, in these creeds; and, many years after, by the council of Nice, where that creed was made that is called by that name; and by the power which they had received from Christ, they were the judges even of the scripture itself many years after the apostles, which books were canonical and which were not. And if they had this power then, I desire to know, how they came to lose it, and by what authority men separate themselves from that church? The only pretence I ever heard of was, because the church had failed in wresting and interpreting the scripture contrary to the true sense and meaning of it, and that they have imposed articles of faith upon us which are not to be

readers, I will give below in the note.—

warranted by God's word. I desire to know who is to be judge of that: whether the whole church, the succession whereof has continued to this day without interruption; or particular men, who have raised schisms for their own advantage?

“ This is a true copy of a paper I found in the late king my brothers strong box, written in his own hand.

“ JAMES R.”

The Second Paper :

“ It is a sad thing to consider what a world of heresies are crept into this nation. Every man thinks himself as competent a judge of the scriptures, as the very apostles themselves: and 'tis no wonder that it should be so; since that part of the nation, which looks most like a church, dares not bring the true arguments against the other sects, for fear they should be turned against themselves, and confuted by their own arguments. The Church of England (as 'tis call'd) would fain have it thought, that they are the judges in matters spiritual, and yet dare not say positively that there is no appeal from them: for either they must say that they are infallible (which they cannot pretend to); or confess that what they decide in matters of conscience, is no further to be followed than it agrees with every mans private judgment. If Christ did leave a church here upon earth, and we were all once of that church; how? and by what authority did we separate from that church? If the power of interpreting of scripture be in every mans brain, what need have we of a church or church-men? To what purpose then did our Saviour, after he had given his apostles power to bind and

Such was the personal character of this

loose in heaven and earth, add to it, that he would be with them even to the end of the world? These words were not spoken parabolically, or by way of figure. Christ was then ascending into his glory, and left his power with his church even to the end of the world. We have had, these hundred years past, the sad effects of denying to the church that power, in matters spiritual, without an appeal. What country can subsist in peace or quiet, where there is not a supremal judge from whence there can be no appeal? Can there be any justice done where the offenders are their own judges, and equal interpreters of the law with those that are appointed to administer justice? This is our case here in England in matters spiritual; for the protestants are not of the Church of England, as 'tis the true church from whence there can be no appeal; but because the discipline of that church is conformable at that present to their fancies, which, as soon as it shall contradict or vary from, they are ready to embrace or join with the next congregation of people whose discipline and worship agrees with their opinion at that time: so that, according to this doctrine, there is no other church, nor interpreter of scripture, but that which lies in every mans giddy brain. I desire to know, therefore, of every serious considerer of these things, whether the great work of our salvation ought to depend on such a sandy foundation as this? Did Christ ever say to the civil magistrate (much less to the people), that he would be with them to the end of the world? Or, did he give them the power to forgive sins? St. Paul tells the Corinthians, Ye are Gods husbandry, ye are Gods building; we are labourers with God. This shews who are the labourers, and

prince; under whom, therefore, it is easy

who are the husbandry and building: and in this whole chapter, and in the preceding one, S. Paul takes great pains to set forth that they, the clergy, have the spirit of God, without which no man searcheth the deep things of God. And he concludeth the chapter with this verse: ‘For who hath known the mind of the Lord, that he may instruct him? But we have the mind of Christ.’ Now if we do but consider, in humane probability and reason, the powers Christ leaves to his church in the gospel, and St. Paul explains so distinctly afterwards, we cannot think that our Saviour said all these things to no purpose: and pray consider, on the other side, that those who resist the truth, and will not submit to his church, draw their arguments from implications, and far-fetched interpretations, at the same time that they deny plain and positive words; which is so great a disingenuity, that ‘tis not almost to be thought that they can believe themselves. Is there any other foundation of the protestant church, but that, if the civil magistrate please, he may call such of the clergy as he thinks fit for his turn at that time; and turn the church either to presbytery, independency, or, indeed, what he pleases? This was the way of our pretended reformation here in England; and, by the same rule and authority, it may be altered into as many more shapes and forms as there are fancies in mens heads.

“ This is a true copy of a paper written by the late king, my brother, in his own hand, which I found in his closet².”

² Published by his majesty’s command. Lond. Printed by Henry Hills, printer to the king’s most excellent majesty, for his household and chapel, 1686.

to believe, popery was highly favoured,

These papers, as it may be supposed, did not long remain without answers. Stillingfleet and Burnet, able controvertists, made their remarks on them. The latter of whom expresses himself about them in the following manner:—"I pay all the reverence that is due to a crown'd head, even in ashes, to which I will never be wanting: far less am I capable of suspecting the royal attestation that accompanies them; of the truth of which, I take it for granted, no man doubts. But I must crave leave to tell you, that, I am confident, the late king only copied them, and they are not of his composing: for as they have nothing of that free air with which he expressed himself, so there is a conjecture in them that does not look like a prince: and the beginning of the first shews it was the effect of a conversation, and was to be communicated to another: so that I am apt to think they were composed by another, and were so well relished by the late king, that he thought fit to keep them, in order to his examining them more particularly; and that he was prevailed with to copy them, lest a paper of that nature might have been made a crime, if it had been found about him written by another hand: and I could name one or two persons, who as they were able enough to compose such papers, so had power enough over his spirit to engage him to copy them, and to put themselves out of danger by restoring the original¹."—He, afterwards, takes notice of his having had the honour to discourse copiously of these matters with the late king himself, and of his majesty's having proposed to him some of the particulars he found in those papers.

¹ Burnet's Collection of Papers, p. 188. 4to. Lond. 1689.

“This is explained more fully in the “History of his own Time.”—“The two papers found in his strong box,” says the bishop, “concerning religion, and afterwards published by his brother, looked like study and reasoning. Tennison told me, he saw the original in Pepy’s hand, to whom king James trusted them for some time. They were interlined in several places: and the interlinings seemed to be writ in a hand different from that in which the papers were writ. But he was not so well acquainted with the king’s hand, as to make any judgment in the matter, whether they were writ by him or not. All that knew him, when they read them, did, without any sort of doubting, conclude that he never composed them: for he never read the scriptures, nor laid things together, further than to turn them to a jest, or for some lively expression. These papers were probably writ either by lord Bristol, or by lord Aubigny, who knew the secret of his religion, and gave him those papers as abstracts of some discourses they had with him on those heads, to keep him fixed to them. And it is very probable that they, apprehending their danger if any such papers had been found about him writ in their hand, might prevail with him to copy them out himself, tho’ his laziness that way made it certainly no easy thing to bring him to give himself so much trouble. He had talked over a great part of them to myself: so that as soon as I saw them I remembred his expressions, and perceived that he had made himself master of the argument as far as those papers could carry him.”—Lord Halifax judges, “he might write these papers. Though,” adds he, “neither his temper nor education made him very fit to be an author; yet, in this case

(a known topick, so often repeated), he might write it all himself, and yet not one word of it his own. That church's argument doth so agree with men unwilling to take pains, the temptation of putting an end to all the trouble of enquiring is so great, that it must be very strong reason that can resist. The king had only his meer natural faculties, without any acquisitions to improve them: so that it is no wonder, if an argument, which gave such ease and relief to his mind, made such an impression, that, with thinking often on it (as men are apt to do of every thing they like), he might, by the effect chiefly of his memory, put together a few lines with his own hand, without any help at the time; in which there was nothing extraordinary, but that one so little inclined to write at all, should prevail with himself to do it with the solemnity of a casuist.^a —— Whoever was the writer, the papers have very little merit: nor will any one pay attention to the arguments contained in them, who has sense enough to perceive, that every honest inquirer after truth is infallibly sure of being right, with respect to himself.

—— “Every mans reason,” says Bolingbroke, “is every mans oracle. This oracle is best consulted in the silence of retirement: and when we have so consulted, whatever the decision be, whether in favour of our prejudices or against them, we must rest satisfied: since nothing can be more certain than this, that he who follows that guide in the search of truth, as that was given him to lead him to it, will have a much better plea to make, whenever or wherever he may be called to account, than he who has resigned himself, either deliberately or inadvertedently, to any authority upon earth^b.”

^a Halifax's Character of K. Charles II. p. 11.

^b Bolingbroke's

Letters on the Study and Use of History, vol. II. p. 220. 8vo. Lond. 1752.

and the professors of it cherished and encouraged¹⁰; contrary to the sense, and re-

¹⁰ Popery was favoured, and its professors cherished and encouraged.] That this is no false accusation, will appear by the most unquestionable authorities.— Father Walsh, in his “Preparation to his Apology touching the Oath of Supremacy,” printed at London, 1684, tells us, “that, about the year 1661, one Sunday morning, very early, being sent for by one of the first lords of the kingdom, amongst other things, this great personage spoke to him as followeth: Father Walsh, now is the time for you to reap the fruit of your long painful endeavours, your fidelity and patience, and the expectations you have had of us for many years. I can tell you, that we are now going to do what you have laboured so much for: viz. we are going to abolish all the laws which have been made in this kingdom against catholics, and procure them the public exercise of their religion; admission into all offices, civil and military; and a dispensation for taking the oath of supremacy.—We shall manage so, that they shall have forty in London, where they may say mass undisturbed for the future.—We are going to chuse some members of the house of lords to demand the abolition of the laws against Roman catholics, before the present parliament rises.—But because the presbyterian members will oppose such a measure, pretending that the safety of the state is incompatible with the toleration of a party that owns no other superior but the pope:—Therefore, my good father, you must without delay, in going from house to house, engage all the catholics to promise to take the oath of allegiance, which will stop the mouths of the presby-

pugnant to the interest of the kingdom: who, very justly, looked on the growth of

terian lords, &c. The author informs us afterwards, of the pains which he took to dispose the catholics to take the oath of allegiance, and of the misfortune which caused that three persons, under the influence of the jesuits, procured the earl of Bristol to be named to plead the cause of the whole party in the upper house of parliament. The earl performed his part with a great deal of eloquence; but his conclusion marr'd the whole, because he offer'd only a model of the oath, curtailed and maimed with many restrictions.—He remarketh further, that the catholic lords acted with great zeal; and particularly laid stress on this, that none of the Romish communion had taken arms against the royal party during the late civil war. But that it was replied upon them, that the catholics had rebelled in Ireland, in 1641, in the most outragious manner: —that in 1646, at the sollicitation of the apostolic nuntio, John Baptist Rinicci, they broke the peace which they had concluded with the royalists: and that in 1650, they broke out into another rebellion, at the instigation of their priests. To which it was added, that the greater part of the catholic divines teach, not only as a thing probable or certain, but even as an article of faith, that the pope may depose kings as he pleases, when they contradict the good of the church, or are infected with heresy^a.—This narrative appears to me very curious, and will possibly explain what follows from lord Halifax.—“ Among all the sorts of

^a Extracted from Bayle's *Novelles de la Republique de Lettres*, *Mois de June, 1684*, p. 325.

that abominably-inhuman superstition, as

men," says his lordship, " who applied themselves to the king, at his first coming home, for his protection, the papists were not the last, nor, as they would fain have flattered themselves, the least welcome; having their past sufferings, as well as their present professions, to recommend them. And there was something that look'd like a particular consideration of them; since it so happened, that the indulgence promis'd to dissenters at Breda, was carried on in such a manner, that the papists were to divide with them; and though the parliament, notwithstanding its resignation to the crown in all things, rejected, with scorn and anger, a declaration fram'd for this purpose; yet the birth and steps of it gave such an alarm, that mens suspicions, once rais'd, were not easily laid asleep again^a."—Lord Clarendon, speaking of this same affair, says, " With this gracious disposition [towards the papists] his majesty returned into England; and received his catholick subjects with the same grace and frankness that he did his other: and they took all opportunities to extol their own sufferings, which they would have understood to have been for him. And some very noble persons there were, who had served his father very worthily in the war, and suffered as largely afterwards for having done so. But the number of those was not great; but much greater than of those who shewed any affection to him, or for him, during the time of his absence, and the government of the usurper. Yet some few there were, even of those who had suffered most for his father, who did send him supply when he was abroad, though they were hardly able to provide

^a Halifax's Miscellanies, p. 128. 12mo. Lond. 1717.

inconsistent with its safety and happiness.

necessaries for themselves. And in his escape from Worcester, he received extraordinary benefit by the fidelity of many poor people of that religion; which his majesty was never reserved in the remembrance of. And this gracious disposition in him, did not then appear ingrateful to any. And then, upon an address made to the house of peers, in the name of the Roman catholicks, for some relaxation of those laws which were still in force against them; the house of peers appointed that committee, which is mentioned before, to examine and report all those penal statutes, which reached to the taking away the life of any Roman catholick, priest or layman, for his religion; there not appearing one lord in the house, who seemed to be unwilling that those laws should be repealed. And after that committee was appointed, the Roman catholick lords and their friends for some days diligently attended it, and made their observations upon several acts of parliament; in which they desired ease. But, on a sudden, this committee was discontinued, and never after revived; the Roman catholicks never afterwards being sollicitous for it.—There was a committee chosen amongst them of the superiours of all orders, and of the secular clergy, that sate at Arundel-house, and consulted together with some of the principal lords and others of the prime quality of that religion, what they should say or do in such and such cases, which probably might fall out. They all concluded, at least apprehended, that they should never be dispensed with in respect of the oaths, which were enjoyned to be taken by all men, without their submitting to take some other oath, that might be an equal security of and for their fidelity to the king, and the

To colour over this, great zeal was seem-

preservation of the peace of the kingdom. And there had been lately scattered abroad some printed papers, written by some regular and secular clergy, with sober propositions to that purpose; and even the form of an oath and subscription, to be taken or made by all catholicks; in which there was an absolute renunciation, or declaration, against the temporal authority of the pope, which, in all common discourses amongst the protestants, all Roman catholicks made no scruple to renounce and disclaim. But it coming now to be the subject-matter of the debate in this committee, the jesuits declared, with much warmth, that they ought not, nor could they with a good conscience as catholicks, deprive the pope of his temporal authority, which he hath in all kingdoms granted to him by God himself, with very much to that purpose; with which most of the temporal lords, and very many of the seculars and regulars, were so much scandalized, that the committee being broken up for that time, they never attended it again; the wiser and the more conscientious men discerning, that there was a spirit in the rest that was raised and governed by a passion, of which they could not comprehend the ground. And the truth is, the jesuits, and they who adhered to them, had entertained great hopes from the king's too much grace to them, and from the great liberty they enjoyed; and promised themselves, and their friends, another kind of indulgence than they saw was intended them by the house of peers. And this was the reason that that committee was no more looked after, nor any publick address was any further prosecuted. And from this time there every day appeared so much insolence and indiscretion amongst the imprudent catho-

ingly shewn for the church of England,

licks, that they brought so many scandals upon his majesty, and kindled so much jealousy in the parliament, that there grew a general aversion towards them^a.— These transactions, in parliament, commenced June 10th, and ended July 16th, 1661^b.— To go on.— His majesty, as it is well known, was married to a Roman catholic by a Roman catholic, the lord Aubigny; for it was he who performed the ceremony, though, to blind the people, an English protestant bishop publickly pronounced them man and wife^c. The account given of the public marriage of the king with the infanta of Portugal, by lord Sandwich, who brought her over, is curious, and will probably excite some reflexions in the mind of the attentive, intelligent reader. “ May 21, 1662,” says he, “ in the afternoon, the king and queen came into the presence-chamber [at Portsmouth] upon the throne, and the contract, formerly made with the Portugal ambassador, was read in English by Sir John Nicholas, in Portuguese by the Portugal secretary de Saire; after which the king took the queen by the hand, and (as I think) said the words of matrimony appointed in the common-prayer, the queen also declaring her consent. Then the bishop of London [Sheldon] stood forth, and made the declaration of matrimony in the common-prayer, and pronounced them man and wife, in the name of the Father, Son, and Holy Ghost^d.— The duke of York, brother to the king, was of the Romish communion also, who converted his first, and took to his second wife, a lady of the same profession,

^a Clarendon's Continuation, vol. II. p. 269. ^b See Kennet's Register,

^c Id. p. 69c. ^d Kennet's Chronicle.

as it had been formerly by law established;

Bennet, earl of Arlington, first secretary of state, and afterwards lord chamberlain; Clifford, lord high-treasurer; and many others; were preferred by this monarch to posts of the greatest dignity, though they were well known to be averse to the protestant faith. This filled the people with dismal apprehensions; especially as many papists, officers and common men, were employed in the fleet and army. So that Mr. Powle, as we find, said openly, in the house of commons, "Their insolence is the complaint in every street. This has filled the minds of the people with apprehensions. They have abused the king's favour. There are some good and some bad among them. Would have the nation secured of our own religion, especially seeing that some of them have crept into commands and employments^a." —— Crofts, bishop of Hereford, publicly declared, that "it was then [1679] a year and a half since, in his cathedral, he told his sad apprehensions of popish designs to destroy both us and our religion. —— For they [the papists] were then providing horse and arms, they posted about day and night, they threatned many that they must ere long turn or burn, and some told their friends that if it came to cutting of throats they should be saved; which made it evident, that not only they had some bloody design, but thought themselves also sure to effect it. —— But now —— I hear my bloody enemies, the jesuitical priests, are resolved, as soon as they can find opportunity, to hasten my death^b." —— The house of commons, moved by the consideration of

^a Anchitell Grey's Debates of the House of Commons, vol. II. p. 25.
8vo. Lond. 1763. ^b Legacy to his Diocese; in the Dedication. ...

the laws made in its disfavour, in the late

these things, presented an address to his majesty, March 3, 1672: in the preamble to which it is said, “ We, your majesty’s most loyal subjects, the commons in this present parliament assembled, being very sensible of the great dangers and mischiefs that may arise within this your majesty’s realm, by the increase of popish recusants amongst us; and considering the great resort of priests and jesuits into this kingdom, who daily endeavour to seduce your majesty’s subjects from their religion and allegiance; and how much your loyal subjects are disheartened to see such popish recusants advanced into employments of great trust and profit, and especially into military commands over the forces now in your majesty’s service; and having a tender regard to the preservation of your majesty’s person, and the peace and tranquillity of this kingdom: do, in all humility, desire, &c.” In another address, presented by the house of commons, Nov. 29, 1680, they more strongly express themselves.—“ It is not unknown to your majesty,” say they, “ how restless the endeavours, and how bold the attempts, of the popish party, for many years last past, have been, not only within this, but other your majesties kingdoms, to introduce the Romish and utterly to extirpate the true protestant religion.—This bloody and restless party, not content with the great liberty they had a long time enjoyed to exercise their own religion privately amongst themselves, to partake of an equal freedom of their persons and estates with your majesties protestant subjects, and of an advantage, above them, in being excused from chargeable offices and employments, hath so far prevailed as to find countenance from an open and avowed practice of their

superstition and idolatry, without controul, in several parts of this kingdom. Great swarms of priests and jesuits have resorted hither; and have here exercised their jurisdiction, and been daily tampering to pervert the consciences of your majesties subjects. Their opposers they have found means to disgrace; and if they were judges, justices of the peace, or other magistrates, to have them turned out of commission: and, in contempt of the known laws of the land, they have practised upon people of all ranks and qualities, and gained over divers to their religion; some openly to profess it, others secretly to espouse it, as most conduced to the service thereof. After some time, they became able to influence matters of state and government; and, thereby to destroy those they cannot corrupt. The continuance or prorogation of parliaments has been accommodated to serve the purposes of that party.——Nor was this spoken at random.

——Lord Stafford, before his condemnation, at the bar of the house of lords, said, “ My lords, since his majesties happy restauration, I do conceive, and I think I may safely say it (for you all know it, he was gracious and good to all dissenters, particularly to them of the Romish church) they [the catholics] had connivance and indulgence in their private houses: and I declare to your lordships, I did then say to some that were too open in their worship, that they did play foul in taking more liberty upon them than was fitting for them too^a. ”——And Coleman, secretary to the duke of York, in a letter to the pope’s internuncio, dated, Aug. 21, 1674, tells him, “ We have in agitation great designs, worthy the consideration of your friends, and to be supported with all their power, wherein we

^a Stafford’s Tryal, p. 200. fol. Lond. 1630-1.

have no doubt but to succeed; and it may be to the utter ruin of the protestant party, if you join with us in good earnest, and cordially second our enterprizes^a."

—In a letter, dated Sept. 4th, following, he writes his correspondent, "The duke's principal design is, to terminate this difference [between France and Spain] by the interposition of the pope; and by that means to establish himself in the possession of his estate through their assistance; and to turn all their cases (which at present are employed to destroy each other) for the ease of the pope's friends, and particularly for the catholicks of the church, against their great enemies. If you please to consider the affair as it is, you will find, that the pope never had an occasion so favourable, as at this hour, to enrich those of his family, and to augment the number of his friends; and if he lets it slip, he will never find the like: so that if ever they propose to make use of the treasure of the church, it is now they ought to do it; for they can demand nothing that the duke will not be capable to do for the pope's friends^b."—The same gentleman, in a letter to father le Chese, confessor to Lewis XIV. declares, "We have here a mighty work upon our hands, no less than the conversion of three kingdoms; and by that, perhaps, the subduing of a pestilent heresy, which has domineered over a great part of this northern world a long time. There was never such hopes of success since the death of queen Mary, as now in our days^c."—Such were the hopes of the catholics! Such their confidence in the power of those who favoured and supported them! We are not to wonder, after this, if the most cool and sedate men were

^a Coleman's Collection of Letters, p. S. fol. Lond. 1681.

^b Id. p. 10.

^c Id. p. 118.

times, being abolished ; and episcopacy, in

alarmed and terrified with the dangers that were like to befall them, from a sect whose characteristic has always been persecution ; persecution most bloody.—By way of supplement to what is here said, I would observe, that it now was become fashionable with the divines, who chose to be in favour at court, to speak well of the tricks and juggles of the Romish priests.

—“ I spoke severally,” says the lady Anne, wife of the duke of York, “ to two of the best bishops we have in England [Sheldon, archbishop of Canterbury ; and Blandford, bishop of Worcester]; who both told me, there were many things in the Roman church, which (it were very much to be wished) we had kept ; as confession, which was, no doubt, commanded by God : that praying for the dead, was one of the antient things in Christianity : that, for their parts, they did it daily, though they would not own it : and afterwards, pressing one of them very much upon the other points, he told me, that if he had been bred a catholic, he would not change his religion ; but that, being of another church, wherein, he was sure, were all things necessary to salvation, he thought it very ill to give that scandal, as to leave that church wherein he had received his baptism. All these discourses did but add more to the desire I had to be a catholic, and gave me the most terrible agonies in the world ^a. ”—No doubt of it. The poison of such doctrines is deadly ; and is to be cured only by the exercise of reason and the practice of virtue : which will set men above the delusions, sorceries, and witchcrafts of those, who endeavour to impose on the understanding, in order

^a Paper written by the late duchess of York. fol. Lond. 1686.

all its pomp and splendor", and the liturgy

to enslave the body and the soul.—The same hopeful doctrine was got among some of the ambitious under-clergy. One Thompson, of Bristol, said, " If he were as well satisfied of other things, as he was of justification, auricular confession, penance, extream unction, and crisme in baptism, he would not have been so long separated from the catholic church. And further affirmed, That the church of Rome was the true catholic church; and endeavoured to prove extream unction, and auricular confession, as well as he could, out of the Epistles".—Where things of this, and the like nature, are in vogue; popery will find a most ready admission! For popery is nothing more than a larger heap of these absurdities; mixed up by art, and supported by fraud and cruelty.

" The Church of England was restored— and none permitted to officiate in it, who could not comply with every punctilio of the ritual.] Charles I. had consented to acts for taking away the high commission court; and for disenabling all persons, in holy orders, to exercise any temporal jurisdiction or authority.

This was a great blow to the priesthood; and was a forerunner to the abolition of the hierarchy by the parliament. But as the clergy love power; as for the most part they are greedy, or, at least, somewhat too desirous of those riches which they teach other people to part with and despise; they, with a very ill grace, submitted to these laws; and plainly showed that they only did it because they could not help it. The restoration of episcopacy was, however, never out of the hopes of the ecclesiastical royalists; who were intent

* State Tracts, vol. II. p. 118.

and ceremonies restored with a high hand;

on keeping up the order by those means which prudence, and the situation of public affairs, dictated: Charles could not refuse to give some encouragement to men who had adhered, though unhappily, to the royal cause: and Hyde, who was a firm believer in the apostolical right of this form of church government, and hated heartily every other, was very much intent on it. Nor was much opposition made hereto, even by those who had been deemed its adversaries. The presbyterians, as I have observed, loved power; were enemies to freedom of enquiry, and fond of ecclesiastical revenues: though they thought a more equal distribution of them might and ought to be made, than had been in times past. Yea the bulk of them had no aversion to episcopal power and authority, provided such regulations had been made in fact, as were proposed in his majesty's declaration concerning ecclesiastical affairs². And the liturgy, though long disused, would, on the same terms, have been submitted to by the far greater number of that persuasion.——But union was not what was desired: revenge was aimed at. Notwithstanding the merits of the party, the king's declarations, and the desires of the majority of the people in the kingdom; it was determined to make them feel the weight of power, and deprive them of the means of making further opposition to authority. For this end, the power of the clergy was again restored: in consequence of which, the bishops took their seats in the house of lords; and promoted the cause of those to whom they owed, or from whom hoped, preferment.—Ecclesiastical jurisdiction was re-

² See note 45; and *Reliquæ Baxterianæ*, part II. p. 278—283.

and none permitted to officiate in pub-

vived; the oath *ex officio* only excepted—and an act passed for the “uniformity of public prayers, and administration of the sacraments, and other rites and ceremonies: and for establishing the form of making, ordaining, and consecrating of bishops, priests, and deacons, in the church of England^a.”—By this last act, it is enacted, “that the Book of Common Prayer shall be used by all ministers in public: that all who enjoy any ecclesiastical benefice, shall not only openly read, but publickly, before the congregation, declare their unfeigned assent and consent to all and every thing contained and prescribed in and by the Book of Common Prayer.” A declaration was also required from them, and even from public and private school-masters, that it was not lawful, upon any pretence whatsoever, to take arms against the king: that they abhorred the traitorous position of taking arms by his authority against his person, or against those that are commissioned by him: that they will conform to the liturgy, as then established: that they do hold, there lies no obligation upon them, or any other person, from the oath, commonly called the Solemn League and Covenant, to endeavour any change or alteration of government in church or state; and that the same was in itself an unlawful oath, and imposed upon the subjects of this realm against the known laws and liberties of the kingdom.—It was moreover required, that all who held livings should be episcopally ordained; and no other form of common prayer in public be used, than what was contained in the said Book of Common Prayer.—All this was very strict.—

^a Stat. 13 & 14 Car. II. c. 4. sect. 3. and 6.

lic who would not comply, in every puncti-

But the act was passed, and it remained now only to conform, or resign their employments and maintenance. Such as could not do the former, had, however, some hopes given them, that the government would not rigorously insist on the execution of a law so disagreeable to the people in general, and so prejudicial to particular persons ; many of whom, it was foreseen, would be distinguished by their piety, virtue, and integrity.—But their hopes were ill-founded.—

The ruling clergy were determined now, if possible, to avenge themselves on those from whom they had received, as they thought, ill usage : and Hyde, always a bigot, fell in with their views and designs.—On the 24th of August, 1662, such of the ministers as thought it not proper to qualify themselves according to the law, left their livings. Their number has generally been computed at about two thousand ; though lord Clarendon, with his wonted regard to truth, says, “that after some time, the number was very small, and of very weak and inconsiderable men, that continued refractory, and received no charge in the church : though it may,” adds he, “without breach of charity, be believed, that many, who did subscribe, had the same malignity to the church, and to the government of it ; and it may be did more harm, than if they had continued in their *inconformity*^a.” What his lordship means, I suppose, is, that many declared their assent and consent to things they did not wholly believe or approve : that they thought many things might be altered for the better : and that impositions on men’s consciences were very grievous and abominable. And

^a Clarendon’s Continuation, vol. II. p. 306.

lio, with the directions of the ritual.—

if this be the meaning, there can be no doubt that it is true. Amidst many thousand divines, if they have indeed considered matters, there will be a very great variety of opinions: and the more freely they think, the less will they like the trammels of almost any establishment;—though—for sundry reasons them thereunto moving—they have submitted to the same.

—“There are many things in the church,” said the late most ingenious and learned Dr. Middleton, “which I wholly dislike; yet while I am content to acquiesce in the ill, I should be glad to taste a little of the good, and to have some amends for that ugly assent and consent which no man of sense can approve^b.”—Various have been the opinions that men, at different times, have passed on this act of uniformity. “It was no sooner published,” says the writer just quoted, “than all the presbyterian ministers expressed their disapprobation of it with all the passion imaginable. They complained that the king had violated the promise made to them in his declaration from Breda, which was urged with great disingenuity, and without any shadow of right: for his majesty had thereby referred the whole settlement of all things, relating to religion, to the wisdom of parliament; and declared, in the mean time, that nobody should be punished or questioned for continuing the exercise of his religion in the way he had been accustomed to in the late confusions. And his majesty had continued this indulgence by his declaration after his return, and thereby fully complied with his promise from Breda; which he should indeed have violated, if he had now refused to

^a Letter to lord Hervey, Sept. 13, 1736. MS. in my possession.

Thus, under pretence of settling the peace concur in the settlement the parliament had agreed upon ; being, in truth, no less obliged to concur with the parliament in the settlement that the parliament should propose to him, than he was not to cause any man to be punished for not obeying the former laws till a new settlement should be made^a.” This is plausible, but far from solid.—Had the king thought himself obliged to concur with this parliament in the settlement now proposed ; why had he not thought himself equally obliged to comply with the desires of the former parliament, who had thanked him for his declaration, so conducive to peace, and ordered in a bill for passing it into a law^b? The court, at this time, had so much influence in the house of commons, as is well known, that nothing could have passed there contrary to its desires. His lordship afterwards says, “ There cannot be a greater manifestation of the temper and licence of the time, than the presumption of those presbyterian ministers, in the opposing and contradicting an act of parliament ; when there was scarce a man in that number who had not been so great a promoter of the rebellion, or contributed so much to it, that they had no other title to their lives but by the kings mercy : and there were very few amongst them who had not come into the possession of the churches they now held, by the expulsion of the orthodox ministers, who were lawfully possessed of them ; and who being, by their imprisonment, poverty, and other kinds of oppression and contempt, during so many years, departed this life, the usurpers remained undisturbed in their livings, and thought it now the highest

^a Clarendon's Continuation, vol. II. p. 296.

^b Id. p. 143.

of the nation, promoting and propagating

tyranny to be removed from them, though for offending the law and disobedience to the government. That those men should give themselves an act of oblivion of all their transgressions and wickedness, and take upon them again to pretend a liberty of conscience against the government which they had once overthrown upon their pretences; was such an impudence as could not have fallen into the hearts even of those men, from the stock of their own malice, without some great defect in the government, and encouragement or countenance from the highest powers^a."— Surely the losers had a right to speak.—Mr. Locke gives it as his opinion, "that Bartholomew-day was fatal to our church and religion; throwing out a very great number of worthy, learned, pious, and orthodox divines, who could not come up to this [non-resistance], and other things, in that act: and it is upon this occasion," adds he, "worth your knowledge, that so great was the zeal in carrying on this church affair, and so blind was the obedience required, that, if you compute the time in passing this act with the time allowed for the clergy to subscribe the book of common prayer thereby established, you shall plainly find, it could not be printed and distributed so as one man in forty could have seen and read the book they did so perfectly assent and consent to^b." And the very worthy, excellent Dr. Clayton says, "I find, by the words of the act of parliament, which enjoins the declaration of our assent and consent to all things con-

^a Clarendon's Continuation, vol. II. p. 298.
of quality; *apud* Torbuck's Parliamentary Debates, vol. I. p. 73. 8vo.
Lond. 1741.

^b Letter to a person

the protestant religion, uniformity in op-

tained in the Book of Common Prayer, that the purport and intent of the act is, that this declaration of assent should be only to the use of those things which are contained in the said book, which is very different from assenting to the things themselves. — How these words, to the use of, came to be omitted in the express form of words that are ordered to be read in church for a legal qualification, I cannot say; nor whether they were omitted out of neglect or by design: but I own it seems to me, when I consider the humour of the times when that act was made, that it was done with design; as a snare to oblige poor conscientious men, who did not read the act of parliament at length, to give up their livings rather than declare their unfeigned assent and consent to all and every thing contained in the Book of Common Prayer. For it is to be observed, that this condition was not required by the act of uniformity, as published in the time of queen Elizabeth; but was an addition made thereto after the Restoration of king Charles the Second, when the nation was, as it were, mad with the joy of having recovered its antient constitution both in church and state: the little oath therefore, wherein it was declared, that it is not lawful, upon any pretence whatsoever, to take arms against the king, was at the same time inserted into the act of uniformity. Which part of that act hath been since repealed; and, indeed, I cannot but sincerely wish, that the other addition, which was made at the same time, was so far rectified, that the words of the declaration should be made to correspond with the design of the act; which manifestly was, to require the declaration of assent and consent only to the use of all and every thing contained in the book of

nions concerning it, and in the external

common prayer. Because I think that that solemn declaration, which a clergyman is obliged to make in the presence of God and his congregation, when he is going to take upon himself the care of their souls, ought to be simple, positive, plain; free from all ambiguity or doubtfulness: and should be expressed in such a manner, as that it cannot be misunderstood, either by him, or by the congregation: but that he may safely and honestly make it, according to that plain and ordinary sense of the words in which they would be commonly understood by all mankind, without any evasion, equivocation, or mental reservation whatsoever; that is, without any latent reference to the intention of the act, which is not expressed in the very words of the declaration.—But though we should suppose this was done, and that subscriptions were declared to be required for peace-sake; yet there is still a difficulty which remains behind, with regard to those who do not approve of all the articles of the established religion, or of every thing in the liturgy: because it is natural for them to desire, that those things, which they take to be errors, should be amended: and yet it is found, by experience, that whoever attempts to find fault with the canons, or the articles of religion, or the established form of liturgy, becomes immediately a disturber of the peace of the church, as he is sure, at least, to be loaded with the opprobrious name of schismatic, or heretic; which, ever since the days of popery, are sounds that occasion wondrous horror in the ears of the vulgar^a.—All this seems to proceed from an honest and a good heart.—But

^a *Essay on Spirit*; in the Dedication, p. 12—18. 8vo. Lond. 1752.

acts of worshipping the all-wise and in-

Conybeare does not fall in with it.—“A subscription to articles,” says he, “is a declaration of our belief; and implies an assent to the truth of those propositions, which are contained in them. All the considerations, therefore, which can be urged to prove our obligation to moral honesty, are so many arguments of our duty to subscribe without equivocation or reserve: nor can any thing be urged to justify or excuse a prevarication in this respect, which will not tend to destroy all mutual trust and confidence amongst men. Whosoever, therefore, is not really perswaded, that the doctrines contained in all the articles are true, cannot subscribe, without an high violation of moral honesty, and a breaking in upon the fundamental principle on which all society must be built^a.”—This, indeed, seems to have been the sense of the legislature who enacted the law under consideration. For we are told, that “on July 18th, 1663, a bill was sent up from the commons to the lords, intitled, An Act for the relief of such persons as by sickness, or other impediment, are disabled from subscribing the declaration in the act of uniformity, and explanation of part of the said act. At the second reading in the house of lords, it was committed. Some alterations and amendments were made by the committee, and a clause added of this tenor: ‘ And be it enacted and declared, by the authority aforesaid, that the declaration and subscription of assent and consent, in the said act mentioned, shall be understood only as to the practice and obedience to the said act, and not otherwise.’ This additional clause was agreed to by a majority; but twelve lords pro-

^a Case of Subscription, p. 24. 8vo. Lond. 1732.

finitely-benevolent Father of the universe,

tested against it, as destructive of the Church of England as now established. When the bill was sent back to the commons, they desired a conference; which was yielded to by the lords. The commons vehemently declared against the amendments and alterations of the lords, and the additional clause: and it was openly declared, by one of the managers on the part of the commons, That what was sent down to them, touching this bill, had neither justice nor prudence in it. When the conference was over, the lords voted an agreement with the commons, and dropped the additional clause before recited^a." This, I believe, is pretty exact. For, on turning to the journals of the house of commons, I find, that, on July 18th, 1663, "an engrossed bill for relief of such as by sickness, or other impediments, were disabled from subscribing the declaration in the act of uniformity, and for explanation of part of the said act, was read: and, with some amendments, it was resolved, should pass." From the same authority it appears, "that on the 25th of the said month, the lords returned the said bill, with some amendments and alterations, to which they desired the concurrence of that house; who, not thinking fit to comply, desired a conference with the lords." Whether the conference was held, or not, cannot be determined from the journals. But on the next day we find a message from the lords, to acquaint them, "that they have agreed with the house in their amendments to the said bill." This put an end to the affair.—To go on.—Be all this as it may—certain it is, that uni-

^a Remarks on Dr. Powell's Sermon on Subscriptions, p. 17. 8vo. Lond. 1758.

was attempted to be established! — In

formity of public prayers, and administration of the sacraments, and other rites and ceremonies, was aimed at; though, as time has shewn, to very little purpose. “I have observed,” says a very worthy dignitary of the church, “some worshippers in this church, and I have heard of more, who, the moment the minister begins the Athanasian Creed, shut their books and sit down till it is finished. Others there are, who signify, by their behaviour, their dissent to the use of certain imprecations in the Psalms, as highly improper in a Christian assembly, whether they who repeat them have any particular application for them, or not. There are still more, who express their embarrassment and dissatisfaction with other parts of the liturgy, and make no scruple to declare they never join in it^a. — Where there is no such dissatisfaction at any parts of the public offices, it is probably owing to very different causes than reason and consideration. — “Repair,” says a spirited writer, “but to the next scene of religious worship, and contemplate there in your mind what passes in your view, and the nature of the proceedings: a numerous congregation, the votaries of an extensive district, and their strict concurrence to the nicest punctilio in all the doctrinal points there uttered, and bring me ingenuously your true judgment upon the matter. Is it possible that you will assert, that this harmonious flock are thus altogether really giving a rational assent to all these curious articles, and profound theorems, when your experience, in the mean time, assures you, that the generality of these unani-

^a Remarks on Dr. Powell’s Sermon on Subscriptions, p. 26. 8vo. Lond. 1758.

consequence of this, great numbers of ec-

mous confessors have never, in their whole lives, bestowed one single thought, in a speculative way, upon the truth or falsehood of that long train of propositions they so liberally avow? You must needs readily grant the contrary, and fall of course into my easy account of this strange proceeding, owning that it can only be the effect of the same spirit, that from the lips of them all contrives to speak the same thing; that, by this means, though men cannot be all of one opinion, they may of one faith; which they hold, not in unity of understanding, but, as our liturgy well expresses it, in the bond of peace, and unity of spirit. A distinction that can alone justify the consistency of the practice, which must be otherwise unavoidably liable to reproach for its absurdity, and render its abettors very deservedly obnoxious to the apostle's censure of rearing altars to an unknown God^a.—In the preamble to the Act of Uniformity, complaint is made, “that, by the neglect of using the Liturgy, great mischiefs and inconveniences have arisen, and many people have been led into factions and schisms, to the great decay and scandal of the reformed religion of the Church of England, and to the hazard of many souls.” And the same language has been used, from time to time, by men quite unacquainted with the nature of true religion, though they have talked and written much about it.—“But they who talk so much of sects and divisions,” says Mr. Locke, “would do well to consider too, whether those are not most authors and promoters of sects and divisions, who impose creeds, ceremonies, and articles, of mens making; and make things, not

^a Christianity not founded on Argument, p. 73. 8vo. Lond. 1746.

clesiastics were ejected from their livings.

necessary to salvation, the necessary terms of communion; excluding and driving from them such as out of conscience and perswasion cannot assent and submit to them; and treating them as if they were utter aliens from the church of God, and such as were deservedly shut out as unfit to be members of it: who narrow Christianity within bounds of their own making, and which the gospel knows nothing of; and often for things by themselves confessed indifferent, thrust men out of their communion, and then punish them for not being of it. Who sees not but the bond of unity might be preserved, in the different perswasions of men concerning things not necessary to salvation, if they were not made necessary to church-communion? What two thinking men of the Church of England are there, who differ not one from the other in several material points of religion? who, nevertheless, are members of the same church, and in unity one with another. Make but one of those points the Shibboleth of a party, and erect it into an article of the national church, and they are presently divided; and he, of the two, whose judgment happens not to agree with national orthodoxy, is immediately cut off from communion. Who I beseech you is it, in this case, that makes the sect? Is it not those who contract the church of Christ within limits of their own contrivance? who, by articles and ceremonies of their own forming, separate from their communion all that have not perswasions which just jump in with their model! 'Tis frivolous here to pretend authority. No man has, or can have, authority to shut any one out of the church of Christ, for that which Christ himself will not shut him out of heaven. Whosoever does so, is truly

—But, as many of them, through con-

the author and promoter of schism and division ; sets up a sect, and tears in pieces the church of Christ ; of which every one, who believes and practises what is necessary to salvation, is a part and member ; and cannot, without the guilt of schism, be separated from or kept out of its external communion. In this lording it over the heritage of God, and thus overseeing by imposition on the unwilling, and not consenting, which seems to be the meaning of St. Peter, most of the lasting sects, which so mangle Christianity, had their original, and continue to have their support : and were it not for these established sects under the specious names of national churches, which, by their contracted and arbitrary limits of communion, justify against themselves the separation and like narrowness of others, the difference of opinions, which do not so much begin to be, as to appear and be owned under toleration, would either make no sect or division ; or else, if they were so extravagant as to be opposite to what is necessary to salvation, and so necessitate a separation ; the clear light of the gospel, joined with strict discipline of manners, would quickly chase them out of the world. But whilst needless impositions, and most points in divinity, are established by the penal laws of kingdoms and the specious pretences of authority ; what hopes are there, that there should be such a union amongst Christians, any where, as might invite a rational Turk or infidel to embrace a religion, whereof he is told they have a revelation from God, which yet in some places he is not suffered to read, and in no place shall be permitted to understand for himself, or to follow according to the best of his understanding, when it shall at all thwart (though in things confessed not

science; others through necessity; and

necessary to salvation) any of those select points, in doctrine, discipline, or outward worship, whereof the national church has been pleased to make up its articles, polity, and ceremonies^a?——These are considerations of weight with such as regard the true faith, more than civil utility; the true end for which, if we believe a certain writer, religion is established.—— Some other effects of establishments are mentioned, which I think proper to insert, in order to give the reader a tolerable idea of their nature and tendency. “The moment any religion becomes national or established,” says a very ingenious gentleman, “its purity must certainly be lost, because it is then impossible to keep it unconnected with mens interests; and, if connected, it must inevitably be perverted by them. Whenever temporal advantages are annex’d to any religious profession, they will be sure to call in all those who have no religion at all. Knaves will embrace it for the sake of interest; fools will follow them for the sake of fashion: and when it is once in such hands, Omnipotence itself can never preserve its purity. That very order of men who are maintained to support its interests, will sacrifice them to their own: and being in the sole possession of all its promises, and all its terrors; and having the tenderness of childhood, the weakness of age, and the ignorance of the vulgar, to work upon; I say, these men, vested with all these powers, yet, being but men, will not fail to convert all the mighty influence they must derive from them, to the selfish ends of their own avarice and ambition; and, consequently, to the total destruction of its ori-

^a Third Letter on Toleration, p. 83. 4to. Lon'. 1692.

some, perhaps, out of opposition to those

ginal purity. From it, they will lay claim to powers which it never design'd them; and to possessions, to which they have no right. To make good these false pretensions, false histories will be forged, and fabulous traditions invented: groundless terrors will be flung out, to operate on superstition and timidity: creeds and articles will be contrived, to confound all reason: and tests imposed, to sift out all who have honesty or courage to resist these unwarrantable encroachments. Devotion will be turn'd into farce and pageantry, to captivate mens eyes, that their pockets may with more facility be invaded. They will convert piety into superstition; zeal into rancour; and this religion, notwithstanding all its divinity, into diabolical malevolence. By degrees, knaves will join them; fools believe them; and cowards be afraid of them: and, having gain'd so considerable a part of the world to their interests, they will erect an independent dominion among themselves, dangerous to the liberties of mankind; and representing all those who oppose their tyranny as God's enemies, teach it to be meritorious in his sight to persecute them in this world, and damn them in another. Hence must arise hierarchies, inquisitions, and popery: for popery is but the consummation of that tyranny which every religious system in the hands of men is in perpetual pursuit of, and whose principles they are all ready to adopt whenever they are fortunate enough to meet with its success. This tyranny cannot subsist without fierce and formidable opposition: from whence innumerable sects, schisms, and dissents, will lift up their contentious heads, each gaping for that very power which they are fighting to destroy, tho' unable either to acquire or retain

from whom they had received such unrighteous usage, continued to exercise their

it; and introductory only of their constant concomitants, ignorance, self-conceit, ill-breeding, obstinacy, anarchy, and confusion. From these contests, all kinds of evils must derive their existence; bloodshed and desolation, persecutions, massacres, and martyrdoms. All these evils, you see, are but the necessary consequences of the national establishment of any religion which God can communicate to man, in whose hands its divinity can never long preserve its purity, or keep it unmix'd with his imperfections, his folly, and wickedness².—What a picture!—But notwithstanding all that has or can be said, concerning the mischiefs and inconveniences of the establishment of rites and ceremonies,—and nothing but these can possibly be established,—some men are very fond of it, as a mean of promoting religion in the world. The use of externals, by these gentlemen, is much insisted on; and to the neglect of them is imputed the corruption of the age.—“The form of religion may indeed be,” says the late excellent bishop Butler, when commenced churchist, “where there is little of the thing itself; but the thing itself cannot be preserved amongst mankind without the form. And this form frequently occurring in some instance or other of it, will be a frequent admonition to bad men to repent, and to good men to grow better; and also be the means of their doing so. That which men have accounted religion in the several countries of the world, generally speaking, has had a great and conspicuous

² Free Enquiry into the Nature and Origin of Evil, p. 184. 12mo. Lond. 1758.

functions in private assemblies ; and met with countenance and encouragement from

part in all publick appearances, and the face of it has been kept up with great reverence throughout all ranks, from the highest to the lowest ; not only upon occasional solemnities, but also in the daily course of behaviour. In the heathen world, their superstition was the chief subject of statuary, sculpture, painting, and poetry. It mixt itself with business, civil forms, diversions, domestick entertainments, and every part of common life. The Mahometans are obliged to short devotions five times between morning and evening. In Roman catholick countries, people cannot pass a day without having religion call'd to their thoughts by some or other memorial of it ; by some ceremony, or publick religious form occurring in their way : besides their frequent holidays, the short prayers they are daily called to, and the occasional devotions enjoined by confessors. By these means their superstition sinks deep into the minds of the people, and their religion also into the minds of such among them as are serious and well-disposed. Our reformers, considering that some of these observances were in themselves wrong and superstitious, and others of them made subservient to the purposes of superstition, abolished them, reduced the form of religion to great simplicity, and enjoined no more particular rules, nor left any thing more of what was external in religion, than was, in a manner, necessary to preserve a sense of religion itself upon the minds of the people. But a great part of this is neglected by the generality amongst us. For instance: the service of the church, not only upon common days, but also upon saints days: and several

those to whom they ministered, as well as from persons of moderation and virtue,

other things might be mentioned ^a.”—Degenerate times indeed! times to be lamented and mourned over! Our reformers, by this account, seem to have been much in the wrong, by depriving us of the means the pious catholics, in imitation of their forerunners the heathen priests, had instituted and appointed for our growth in piety and holiness. However, he who calls to mind what pure and undefiled religion is, and is careful to practise it, need not be much troubled in conscience, though he has neglected the service of the church, not only upon common days, but also upon saints' days; or even omitted the holy rite of confirmation, on which some very extraordinary persons have talked with great solemnity. For what are these in his eye

—“ That doth prefer,
Before all temples, th' upright heart and pure ?”

MILTON.

But, to put an end to this long, very long note: Non-resistance, by the act of uniformity, we see, was established; and the covenant condemned, which had been taken by his majesty in Scotland, and contributed greatly to his restoration.—Colonel Birch, in this very house of commons, observed, “ after he had the honor to come into this house, some intentions were to renew the covenant. Cromwell, Ireton, and the rest, would not have it done. He said then, that these men would alter the government, and the house then would have sent them to the Tower.—He never saw such mettle in this house. He had forty notes

^a Charge to the Clergy, p. 14. 4to. Lond. 1751.

though of different persuasions: as this, I say, was the case, various laws were made¹²,

sent him: 'Stick to the covenant, and you shall die.' This was his greatest inducement to stick to it.—Not one of these men could be brought to change the government. Love lost his life for it. The presbyterian party declared against the king's murder. To the restoration of the king all agreed. Had he not engaged for the king by the covenant, he had prevented himself twenty-one imprisonments he has suffered. When the king was restored, these were the men we only durst trust¹³.—A fine return this from a grateful monarch! to make men renounce what they had sworn to; and belie their consciences, for the preservation of which they had suffered so much, and by so doing had promoted his interest.

¹² Laws were made against the nonconformists—and rigorously executed by the instigation of the prelates.] It is said, on good authority, that his late majesty, king George II. in the early part of his reign, did declare, "that not an hair of the head of any one of his subjects should be hurt on account of religious opinion, so long as he wore the British crown¹⁴." A declaration this worthy of so good a prince, and faithfully, if I remember right, adhered to by him. Not so the race of the Stuarts. Their choice it was, to fetter the free-born minds of men, and render them obedient to their galling yoke. The severe laws enacted by Elizabeth, inheritrix of her father's tyrannical spirit, on account of religion, were confirmed and enlarged by them, and many an honest and good man smarted

^a Grey's Parliamentary Debates, vol. II. p. 46.
p. 123. 8vo. Lond. 1762.

^b Palladium,

from time to time, against them and their

under them. The governors of the commonwealth, and Cromwell, indeed, saw the absurdity and iniquity on which they were founded ; and, therefore, made little or no use of them. But when Charles II. revisited his native land, and he had got a parliament after his own heart, they soon became again in vogue ; and the people found, to their cost, that, like his fathers, he was a persecutor. The Act of Uniformity, we have just seen, deprived multitudes of their subsistence on account of their religious opinions ; and the acts that followed were far from easing those who had suffered by it. — I will give a short abstract of the penal laws made in this reign, that the reader may be convinced that persecution was not unjustly complained of under it. — By one statute it was ordained, “ That any person, above sixteen years old, present at any meeting under pretence of exercise of religion, in other manner than is allowed by the Liturgy or practice of the Church of England, wheré there shall be present five persons, or more, above those of the household, upon proof thereof made, either by confession of the party, or oath of witness, or notorious evidence of the fact, the offence shall be recorded under the hands of two justices, or the chief magistrate of the place, which shall be a perfect conviction ; who, thereupon, may send such person to jail, or the house of correction, for any time not exceeding three months ; unless he or she pay down so much money, not exceeding five pounds, as the said justices or chief magistrate shall impose. For the second offence, imprisonment, not exceeding six months ; unless money paid, not exceeding ten pounds. — And persons so offending the third time, were to be sent to the goal, or house of

adherents, which were executed with great

correction, there to remain until the next session, or assizes, and then to be indicted; and being thereupon found guilty, the court was to enter judgment of transportation against such offenders, to some of the foreign plantations (Virginia and New-England only excepted), there to remain seven years; and warrants were to issue to sequester the profits of their lands, or to distrain and sell their goods, to defray the charges of their transportation; and for want of such charges being paid, the sheriff had liberty to contract with any master of a ship, or merchant, to transport them.—Upon paying down, however, one hundred pounds, the transportation was to be discharged.—And if any, under such judgment of transportation, shall escape, or, being transported, return into any part of England, they were to suffer death as felons without benefit of clergy².”—All persons in holy orders, or pretended holy orders, who had not declared their assent and consent to the Book of Common Prayer, according to the Act of Uniformity; and did not take and subscribe the oath of Non-resistance therein contained; together with all such as should take upon them to preach in any conventicle or meeting, for exercise of religion contrary to law; were not (unless only in passing the road) to come, or be within five miles of any city, town corporate, or borough, that sends burgesses to parliament; nor within five miles of any place where they had officiated, or taken upon them to preach; upon pain of forfeiting forty pounds for such offence. Nor was any person so restrained, or who should not take the said oath, and frequent divine service, to teach any

² Stat. 16 Car. II. c. 4.

rigour, by the instigation and encourage-

school, or take any boarders or tablers that were taught by any other, on pain likewise of forfeiting forty pounds. And two justices, upon oath made of any offence against the act, were to commit the offender for six months, without bail or mainprize^a."——"One justice, or chief magistrate, on the oath of two witnesses was to make a record of a conventicle, where any five persons, above sixteen years of age (besides those of the same household), should be assembled, for the exercise of religion, in any other manner than according to the Liturgy and practice of the Church of England; which record was to be a conviction, and thereupon a fine of five shillings was to be imposed upon every offender, which was to be certified to the next quarter sessions. And for the second, and every other offence, ten shillings each: and in case of poverty, it is allowed to be levied on any other persons goods, present at the same conventicle. The preacher was to forfeit for the first offence twenty pounds, and forty afterwards, which might be levied on any of the hearers. Those who suffered a meeting to be in their house, barn, or yard, were to forfeit twenty pounds; which might likewise be levied on the goods of any present: provided that no person pay above ten pounds for any one meeting, in regard of the poverty of any other person or persons. Forfeitures incurred by married women, were to be levied on their husbands goods^b."—— These statutes need no comment. They were all except the last, the projection of lord Clarendon; and will reflect disgrace on his name and administration, as long as there is sense, virtue, or

^a Stat. 17 Car. II. c. 2.

^b Stat. 22 Car. II. c. 1.

ment of the prelates.—In Scotland, mat-

humanity, in the world.—That these laws were rigorously executed, our histories abundantly testify. That the prelates instigated the execution of them, will not be doubted by any one who reads what follows. Sheldon, archbishop of Canterbury, in a letter to the bishops of his province, dated Lambeth-house, May 7, 1670, says, “ It hath pleased his majesty, and the two houses of parliament, out of their pious care for the welfare of this church and kingdom, by making and publishing the late act for preventing and suppressing conventicles, to lay a hopeful way for the peace and settlement of the church, and the uniformity of Gods service in the same; it becomes us, the bishops, as more particularly sensible of the good providence of God, to endeavour, as much as in us lies, the promoting so blessed a work: and therefore having well considered what will be fit for me to do in my particular diocese, I thought fit to recommend the same council and method (which I intend, God willing, to pursue myself) to your lordship, and the rest of my brethren the bishops of my province, being thereunto encouraged by his majesty’s approbation and express direction in this affair.—Your lordship is desired to recommend to the ecclesiastical judges and officers, and the clergy of your diocese, the care of the people under their respective jurisdictions and charges, that in their several places they do their best to perswade and win all non-conformists and dissenters to obedience to his majesty’s laws, and unity with the church; and such as shall be refractory, to endeavour to reduce by the censures of the church, or such other good means as shall be most conduced thereunto: to which end I advise, that all and every of the said ecclesiastical

ters were still worse. —— Episcopacy,

judges and officers, and every of the clergy of your diocese, and the churchwardens of every parish, by their respective ministers, be desired, in their respective stations and places, that they take notice of all non-conformists, holders, frequenters, maintainers, abettors of conventicles and unlawful assemblies, under pretence of religious worship, especially of the preachers and teachers in them, and of the places wherein the same are held, ever keeping a more watchful eye over the cities and greater towns, from whence the mischief is for the most part derived into the lesser villages and hamlets: and wheresoever they find such wilful offenders, that then, with a hearty affection to the worship of God, the honour of the king and his laws, and the peace of the church and kingdom, they do address themselves to the civil magistrate, justices, and others concerned, imploring their help and assistance, for preventing and suppressing of the same, according to the late said act in that behalf made and set forth." —— The bishops and clergy, we may well think, were not wanting in their duty; especially as we find the archdeacon of Lincoln earnestly desiring the parishes, within his jurisdiction, to take especial regard to perform whatsoever was required in the above letter; and adding, "how you shall discharge your duty therein, I shall expect an account at the next Visitation." —— In the year 1683, the justices of peace for the county of Devon, "agreed and resolved, in every division of the county, to require sufficient sureties for the good abearing and peaceable behaviour of all such as they might justly suspect, or receive any credible information against, that they have been at any conventicles and unlawful meetings, or any factious or seditious clubs;

and its attendants, so abominable at that

or that have by any discourses discovered themselves to be disaffected to the present established government either in church or state ; or that have been the authors or publishers of any seditious libels ; or that shall not, in all things, duly conform themselves to the present established government.——And being fully satisfied, as well by the clear evidence of the late horrid plot [Lord Russell's] as by their own long and sad experience, that the non-conformist preachers are the authors and fomelters of this pestilent faction, and the implacable enemies of the established government, and to whom the late execrable treasons, which have had such dismal effects in this kingdom, are principally to be imputed ; and who, by their present obstinate refusing to take and subscribe an oath and declaration, that they do not hold it lawful to take up arms against the king, and that they will not endeavour any alteration of government in church or state ; do necessarily enforce us to conclude, that they are still ready to engage themselves (if not actually engaged) in some rebellious conspiracy against the king, and to invade and subvert his government : Wherefore," say they, " we resolve in every parish, in this county, to leave strict warrants in the hands of all constables, for the seizing of such persons. And, as an encouragement to all officers and others that shall be instrumental in the apprehending of any of them, so as they may be brought to justice, we will give and allow forty shillings, as a reward for every non-conformist preacher that shall be so secured. And we resolve to prosecute them, and all other such dangerous enemies of the government, and common absenters from church, and frequenters of conventicles, according to the directions of a law made in the five-

time, in the eyes of the majority of the peo-

and-thirtieth year of the reign of queen Elizabeth, entitled, *An Act for keeping her Majesties subjects in due obedience.*"—“ This order, which will appear a very cruel one to most readers, was happy enough, however, to meet with the approbation and applause of the right reverend diocesan ; who, as he tells the world, that the continued care of his majesties justices of the peace for the county of Devon, for the safety of his majesties sacred person, the preservation of the publick peace, and advancement of true religion, may be fuller known, and have a better effect, ordered and required all the clergy of his diocese, within the county of Devon, deliberately to publish this order the next Sunday after it should be tendered to them^a.”—If any one is desirous of knowing the name of such a wretch, it was Lamplugh.—The Middlesex justices, at the general quarter sessions, Oct. 14, 1681, declared, “ that all house-keepers, within the county, who kept ale-houses, and other publick-houses for entertainment, by virtue of any licence, and should not go to their parish-church, and receive the sacrament according to the practice of the Church of England, or should go to any conventicle, should have their licenses taken from them.”—They also farther declared, “ that if the churchwardens and overseers of the poor should dispose of any of the parish money by way of pension, or otherwise, to poor people who frequent conventicles, and do not come to their parish-church, and receive the sacrament there (except in case of sickness and necessity to be allowed by a justice of peace), the money

^a See the Dedication to Long's Sermon on the Original of War. 4to. Lond. 1684.

ple, were now again introduced ; conformity

paid to such people should not be allowed by the justices in the accounts of the churchwardens and overseers of the poor, because such persons who never come to the parish-church, ought not to be reckoned of the parish." — This order was so acceptable to the king, that his majesty thanked the justices for it*.

— Dr. Pope tells us, " that bishop Ward was for the act against conventicles, and laboured much to get it pass, not without the order and direction of the greatest authority, both civil and ecclesiastical, not out of enmity to the dissenters persons, as they unjustly suggested, but of love to the repose and welfare of the government : for he believed if the growth of them were not timely suppressed, it would either cause a necessity of a standing army to preserve the peace, or a general toleration ; which would end in popery, whither all things then had an apparent tendency. That act had this effect : it shewed the dissenters were not so numerous and considerable as they gave themselves out to be, designing thereby to make the government believe it was impracticable to quell them ; for where this act was duly executed, it put an end to their meetings, as it was evident in his diocese : for in Salisbury there was not one conventicle left ; and but a few in the skirts of Wiltshire bordering upon Somerset, where, for want of a settled militia, by reason of the non-age of the duke of Somerset, the lord-lieutenant of that county, they sometimes met in woods ; but, upon complaint, their meetings were suppressed, and his majesty was pleased to own and accept this as good service to the publick, and to encourage the

in all points to them was enacted; and cruel laws, barbarously executed, were

bishop in it^a.—"When the priest turns atheist," it is natural to suppose, that he will labour to get and execute such laws as these! but all such as believe the great truths of religion, will execrate and abhor them, and the authors of them.—"God and nature seem to delight in variety; and in making men and women, all in the world, of different features, ayres, dimensions, complexions, &c. And how do we know that Almighty God is so much displeased with variety of opinions, also, as some men imagine? Though we have different physiognomies, and different eye-sights; yet we all continue to be men. And though we have different judgments, minds, and opinions; some more clear, and some more purblind; yet we may all continue Christians. But suppose other men do not (cannot for their lives) see so well as we, or so well as the synod, or the magistrate: must we therefore pull out or put out their eyes; deliver them to the devil first, and then to the goal, and after all to the pit of hell; and for expedition-sake thither with the more speed (until the writ *de hæretico comburendo* was cancell'd) with fire and faggot^b?—Thus spoke an honest ecclesiastic of those times.—And honest Andrew Marvel, who also lived in them, and with indignation saw the spirit of them, declared, "that it was no great adventure to say, that the world was better ordered under the antient monarchies and commonwealths; that the number of virtuous men was then greater; and that the Christians found fairer quarter under those, than among themselves. Nor

^a Life of Ward, p. 68.

^b Naked Truth, part ii. 2d edit. p. 12.

means made use of to induce men to comply¹³ with a form of church government,

hath there any advantage accrued unto mankind, from that most perfect and practical model of human society, except the speculation of a better way to future happiness, concerning which the very guides disagree, and of those few that follow, no man is suffered to pass without paying at their turnpikes. All which hath proceeded from no other reason, but that men, instead of squaring their governments by the rule of Christianity, have shaped Christianity by the measures of their government; have reduced that strait line by the crooked; and, bungling divine and human things together, have been always hacking and hewing one another, to frame an irregular figure of political incongruity^a. —— Whatever has been the behaviour of men called Christians, and dignified and distinguished by titles denoting high pretensions to sanctity, “we ought in justice,” with lord Lyttleton, “to own, that no book, that ever was writ by the most acute free-thinkers, is so repugnant to priestcraft, to spiritual tyranny, to all weak superstitions of every kind, to all that can tend to disturb or to prejudice human society, as that which they so much affect to despise^b,” and which persecutors have impiously dared to vouch as authority in behalf of their barbarities.

¹³ Cruel laws were made use of in Scotland, to induce men to comply with modes and forms of religion.] The Scots had been eminently loyal, as appears from the foregoing notes, to Charles II. They had ventured their lives and fortunes in his cause; and, after that,

^a State Tracts in the time of Charles II. vol. I. p. 80. fol. Lond. 1693.

^b Dialogues of the Dead, p. 207. 8vo. Lond. 1760.

to which they had a fixed, natural aversion.

very unwillingly submitted to the yoke of their conquerors. Awed by armies, forts, and garrisons, they dared not again recur to arms: but they spoke in the most intelligible manner in behalf of their king, and wished his return in no very obscure terms. The preachers, in particular, were bold; and relying on the place in which they spake, and the esteem in which their function was held by their auditors, they uttered their thoughts freely concerning his majesty's right, though in guarded expressions.—Captain Langley, in a letter to Thurloe, dated Leith, Sept. 30, 1658, says, “ Sir, as to that of the Scots blessing God, that he had heard them in some things, they spake it mystically; for just as the news came of the death of his H. [Oliver], they declared a fast to be kept the saboath following, and spake those words as a motive to incourage the people to keep the day. That they dailie pray for their king in such terms as these: That the Lord would be merciful to the exiled, and all those that are in captivitie; and that once more he wouold cause them to return with sheaves of joy. And some speak in plainer terms against the government. They pray under the terms of being delivered from the yoke of Pharoah, Egyptian bondage, or the task-master of Egypt, &c. They use several imprecations; praying for the confusion of all tyrants, and from enemies, and all their oppressors and afflictors, &c. desiring God to cut them off, to shorten their time, thereby hasting their deliverance, and giving ease to his people, meaning themselves, &c. Thus they speake; but so ambiguously, that they can evade, if questioned; yet so plainly, that the whole people knows their meaning: soe that the premises considered, it is easy to under-

—Great complaints hereupon followed,

stand that they prayed God, that he had heard them in taking away his highness, which they take to be the beginning of what God hath further to do for them, as to that deliverance they further expect and pray for; promising the people, that God will yet bring forth further deliverance to them^a.” In this spirit they continued till the Restoration; when their hopes of happiness by his majesty were quickly put an end to, and Charles proved infinitely more their oppressor and persecutor, than the commonwealth of England, or Cromwell.—By virtue of a letter from the king, a proclamation was issued by the privy-council, for establishing episcopacy in Scotland. This was confirmed by the parliament in 1662, who, in imitation of the English, enacted also a declaration to be subscribed, wherein the solemn league and covenant were termed unlawful, and their obligation said to be void. Ministers who chose not to receive admission and collation from bishops, as few of them did, were sentenced by acts of council to banishment; and such as would not attend their successors, were heavily fined, according to their circumstances. That these are no calumnies, will appear from the act of council against ministers, dated Edinburgh, Dec. 7, 1665, in which “the lords of his majesty’s privy-council do command and charge all ministers that have relinquished, or been deposed from their ministry, by their ordinary, within forty days, to remove themselves, their families and goods belonging to them, out of their respective parishes where they were incumbents, and not to reside within twenty miles of

^a Thurloe, vol. VII, p. 416.

in both kingdoms; as well from standers-

the same, or within six miles of Edinburgh, or any cathedral church, or three miles of any burgh royal within this kingdom; or reside two of them within one parish: with certification, if they fail to remove themselves as said is, and to give exact obedience hereunto (unless they have the permission of the lords of the privy-council, lords of his majesty's commission for church affairs, or of the bishop of the diocese), they are to incur the penalties of the laws made against movers of sedition, and to be proceeded against with that strictness which is due to so great a contempt of his majesty's authority over church and state. And do hereby inhibit and discharge all heritors and householders, in burgh or land, to give any presence or countenance to any one or more of those ministers, removed by this present act, to preach or exercise any act of the office of a minister: with certification if they, after publication hereof, shall presume so to do, they are to be proceeded against according to law: and commanding and requiring all sheriffs, &c. to make diligent search within their respective jurisdictions, if any such ministers as fall within the compass of this or the two other acts of council aforesaid, do reside within the bounds therein prohibited, and to seize upon and imprison their persons, ay and while they find sufficient caution to compear before the lords of his majesty's council or commission^a. — On the 11th Oct. 1666, a proclamation was published for procuring obedience to ecclesiastical authority. In this, after mentioning the acts of parliament and council against such as refused obedience in church affairs; and observ-

^a Wodrow's Hist. vol. I. Appendix, p. 84.

by, as the sufferers. To silence which, de-

ing that, through the neglect of their rigorous execution, they had not produced the effect they might have done: after this, I say, "it charges and commands, in his majesties name, all masters of families, that they cause their domestick servants, grieves, chamberlains, and others entertained by them, to give obedience to the laws aforesaid, and acts of council; and particularly, that they frequent the publick worship and ordinances at their own parish-churches, and participate of the sacraments, and abstain from all conventicles and private meetings; and that they retain none in their service but such as they will be answerable for: and in case of their disobedience, that they remove them out of their service immediately after intimation thereof by the minister of the parish: as also, that all heritors, landlords, and liferenters, who have granted any tacks or rental to their tenants, which are yet standing unexpired, cause their tenants and rentallers to give sufficient bond and surety for obeying the said acts of parliament and council, and specially for frequenting publick worship and ordinances, as said is, and abstaining from private meetings; and, if need be, that they raise letters under the signet of our privy-council, and charge them, for that effect, upon six days; and, in case of disobedience, to denounce them to our horn, and registrate the same; for which end, warrant is given to direct letters, in their name, against all and sundry their tenants and rentallers: and we do declare, that we will give and bestow the escheats, falling to us by the said hornings, upon the landlords and setters of these tacks and rentals, in so far as may be extended unto: recommending hereby to our treasurer-principal, and treasurer-depute, and others of our ex-

chequer, to grant the same accordingly: and in case the tenants be removeable, and refuse to give obedience, that they warn and pursue them to remove, and obtain decrets of ejection against them: and that no heritor, landlord, or liferenter, set their lands hereafter to any person, by word or writ, but to such as they will be answerable for, as said is: and that they take surety from them, by provisions and obligements to be insert in their tacks, or otherwise by bond apart, in case there be no writ, that the said tacksmen, rentallers, and all others their hindes, cottars, and servants, who shall live under them upon the said lands, shall give obedience in manner aforesaid; otherwise, that their tacks, rentals, and whole interest, right, and possession, shall be void and expire, *ipso facto*, as if they had never been granted; and that without any declarator, or further process, and then as now, and now as then, that they shall renounce all right that they shall have thereto, and shall remove themselves without any warning; and in case of failure, the landlords and others are to charge and denounce them in manner aforesaid. As likewise that all magistrates of royal burrows take special care and notice, and be answerable, that the burgesses and inhabitants be obedient to the aforesaid acts of parliament and council; and that they cause charge such of them as they shall think fit, and are suspected, to give bond and surety, as said is: and for the magistrates own relief, in case they contravene, and if they fail, to denounce them in manner aforesaid: with certification that all masters of families, landlords, and magistrates of burghs, who shall not give punctual obedience in manner above written, that they shall be liable to the said pains and penalties due to the contraveners, &c.²³

²³ Wodrow's Hist. vol. I. Appendix, p. 88.

—In an act, “Anent field conventicles,” in 1670, it is ordained, “that no outed ministers who are not licensed by the council, and no other person not authorized or tollerate by the bishop of the diocese, presume to preach, expound scripture, or pray in any meeting, except in their own houses and to those of their own family: and that none be present at any meeting without the family to which they belong, where any not licensed, authorized nor tolerate, as said is, shall preach, expound scripture or pray: declaring hereby, all such as shall do in the contrary, to be guilty of keeping conventicles; and that he or they, who shall so preach, expound, or pray, within any house, shall be seized upon and imprisoned, till they find caution, under the pain of five thousand merks, not to do the like hereafter, or else enact themselves to remove out of the kingdom, and never return without his majesty’s licence; and that every person who shall be found to have been present at any such meetings, shall be, *toties quoties*, fined, according to their qualities, in the respective sums following, and imprisoned until they pay their fines, and farther, during the councils pleasure, viz. each man or woman, having land in heritage, liferent, or proper wadset; to be fined in a fourth part of his or her valued yearly rent; each tenant, labouring land, in twenty-five pounds Scots; each cottar, in twelve pounds Scots; and each serving-man, in a fourth part of his yearly fee. And where merchants or tradesmen do not belong to or reside within burghs royal, that each merchant or chief tradesman be fined as a tenant; and each inferiour tradesman as a cottar. And if any of the persons abovementioned shall have their wives, or any of their children, living in family with them, present at any such meeting; they are therefore to be fined in the half

of the respective fines aforesaid, consideration being had to their several qualities and conditions. And if the master or mistress of any family, where any such meetings shall be kept, be present within the house for the time, they are to be fined in the double of what is to be paid by them, for being present at a house conventicle.—And whosoever, without licence or authority aforesaid, shall preach, expound scripture, or pray, at any meetings in the field, or in any house where there be more persons than the house contains, so as some of them be without doors (which is hereby declared to be a field conventicle), or who shall convocate any number of people to these meetings, shall be punished with death, and confiscation of their goods. And it is hereby offered and assured, that if any of his majesty's good subjects shall seize and secure the persons of any who shall either preach or pray at these field-meetings, or convocate any persons thereto, they shall, for every such person so seized and secured, have five hundred merks paid to them, for their reward, out of his majesty's treasury, by the commissioners thereof; and the said seizers and assistants are indemnified for any slaughter that shall be committed in the apprehending and securing of them. And as to all heritors, and others, who shall be present at any of these field-conventicles, it is declared, they are to be fined, *toties quoties*, in the double of their respective fines appointed for house-conventicles; but, prejudice of any other punishment due to them, by law, as seditious persons and disturbers of the peace and quiet of the kirk and kingdom ^a.”—These were cruel laws indeed! and they were most barbarously executed by Sir James Turner, general Dalziel, the Highlanders, the bishops,

^a Wodrow's Hist. vol. I. Appendix, p. 130.

and state clergy^a.—“Those who governed Scotland, under Charles II. in the latter part of his reign,” says Mr. Mallet, “with no less cruelty than impolicy, made the people of that country desperate; and then plundered, imprisoned or butchered them for the natural effects of such despair. The best and worthiest men were often the objects of their most unrelenting fury. Under the title of fanatics, or seditious, they affected to herd, and, of course, persecuted whoever wished well to his country, or ventured to stand up in defence of the laws and a legal government. I have now in my hands the copy of a warrant, signed by king Charles himself, for military execution upon them without process or conviction: and I know that the original is still kept in the secretary’s office for that part of the united kingdom^b.”—Oppression, indeed, makes wise men mad: and such oppressions as these, will account for and justify the insurrections at Bothwell and Pentland; and make us ready to wonder at the stupidity of a nation, who did not arm, as one man, against a government so unnatural and tyrannical.

“ If meant the blessing, he becomes the bane ;
 The wolf, not shepherd, of his subject flock ;
 To grind and tear, not shelter and protect ;
 Wide-wasting where he reigns : — to such a prince,
 Allegiance kept, were treason to mankind ;
 And loyalty, revolt from virtue’s law.”

MALLETT.

Montesquieu has well exposed the wretched policy of such detestable proceedings, in the following manner:—“ If we may reason without prejudice,” says he, “ I know not but variety of religions may be useful in a state. It is observed, that the followers of a reli-

^a See Burnet, vol. I. p. 238.

^b Preface to Mallet’s Amyntor and

Theodora. 8vo. Lond. 1748.

clarations of indulgence were issued forth,

gion, which is only tollerated, are generally more serviceable to their country than those who are of the established religion: for being shut out from all honours, and having no way to distinguish themselves but by their opulence and wealth; they are naturally led to obtain those advantages by their labour, and so to embrace the most painful employments in the society. Besides, as all religions contain precepts useful to society; the more zealously they are observed, the better. Now what can be more likely to animate that zeal, than the multiplicity of religions? They are so many rivals that never spare one another's failings. The jealousy descends even to every private member: every one stands upon his guard, and is fearful of doing any thing that may bring a scandal upon his sect, and expose it to the contempt and unforgiving censures of its adversaries. Accordingly, it has always been observed, that a new sect in a state is the surest means of correcting all the abuses of the old. It is in vain to say that it is the prince's interest not to allow of variety of religions in his kingdom. Though all the sects in the world were to get together in it, he would not be at all prejudiced by it: for there is not one but what prescribes obedience, and preaches up submission. I confess, histories are full of religious wars. But do not let us take the thing wrong: it was not the diversity of religions that occasioned these wars; it was the untollerating spirit of that which thought she had the power in her hands. It was that spirit of proselytism which the Jews caught of the Egyptians; and which from them was communicated, like an epidemical infection, both to the Mahometans and Christians. In a word, it was the spirit of en-

by the crown ¹⁴, by virtue of a dispensing

thusiasm ; which, in its progress, can be looked upon as nothing else but a total eclipse of human reason. For, in short, tho' there was nothing of inhumanity in forcing the consciences of others ; tho' it occasioned none of those ill effects which spring up from it by thousands ; a man must be a fool to offer at it. He that would have me change my religion, does it, no doubt, because he would not change his own if he were to be forced to it : so that he wonders I will not do a thing, which, perhaps, he would not do himself for the empire of the universe ¹⁵."

¹⁴ Declarations of indulgence were issued by the crown—and bills of comprehension framed for the approbation of parliament.] The Act of Uniformity raised great clamours ; and drew down many reproaches on the king. The declaration of Breda, and after-promises of ease and liberty to tender consciences, made by him, were brought to remembrance, and contrasted with that rigorous law. To silence and satisfy, in some measure, the sufferers ; a declaration was published by his majesty, by the advice of his privy-council, dated Dec. 26, 1662 ; in which, after taking notice of the censures passed on his conduct in this and other matters, and endeavouring to vindicate himself, he proceeds to say, " We remember well the very words of our promises from Breda :— we remember well the confirmations we have made of them since, upon several occasions, in parliament ; and as all these things are still fresh in our memory, so we are still firm in our resolution of performing them to the full. But it must not be wondered at (since that par-

¹⁵ Montesquieu's Persian Letters, vol. II. p. 39. 12mo. Lond. 1736.

power claimed by it, and bills of compre-

liament to which those promises were made, in relation to an act, never thought fit to offer us any to that purpose², that, being so zealous as we are (and, by the grace of God, shall ever be), for the maintenance of the true protestant religion, finding it so shaken (not to say overthrown) as we did, we should give its establishment the precedence before matters of indulgence to dissenters from it. But that once done (as we hope it is sufficiently by the bill of uniformity), we are glad to lay hold on this occasion to renew unto all our subjects, concerned in those promises of indulgence by a true tenderness of conscience, this assurance: That as, in the first place, we have been zealous to settle the uniformity of the church of England, in discipline, ceremony, and government, and shall ever constantly maintain it: so, as for what concerns the penalties upon those who (living peaceably) do not conform thereunto, through scruple and tenderness of misguided conscience; but, modestly and without scandal, perform their devotions in their own way: we shall make it our special care, so far as in us lies, without invading the freedom of parliament, to incline their wisdom, at this approaching sessions, to concur with us in making some such act, for that purpose, as may enable us to exercise, with a more universal satisfaction, that power of dispensing which we conceive to be inherent in us. Nor can we doubt of their cheerful co-operating with us in a thing wherein we do conceive ourselves so far engaged, both in honour, and in what we owe to the peace of our dominions, which we profess we can never think secure whilst there shall

* See the quotation from the Journals, at the end of vol. IV. note 45.

hension were projected, by the friends of

be a colour left to the malicious and disaffected to inflame the minds of so many multitudes upon the score of conscience, with despair of ever obtaining any effect of our promises for their ease.—As we shall always according to justice retain, so we think it may become us to avow to the world, a due sense we have of the greatest part of our Roman catholick subjects of this kingdom having deserved well from our royal father of blessed memory, and from us, and even from the protestant religion itself, in adhering to us, with their lives and fortunes, for the maintenance of our crown, in the religion established, against those who, under the name of zealous protestants, employed both fire and sword to overthrow them both. We shall with as much freedom profess unto the world, that it is not in our intention to exclude our Roman catholick subjects, who have so demeaned themselves, from all share in the benefit of such an act, as, in pursuance of our promises, the wisdom of our parliament shall think fit to offer unto us for the ease of tender consciences. It might appear no less than injustice, that those who deserved well, and continued so to do, should be denied some part of that mercy which we have obliged ourself to afford to ten times the number of such who have not done so².—They are cautioned, however, against the presumption to hope for a toleration of their profession. But the house of commons on their meeting, averse to all methods of lenity, in an address to the king, declaring it to be their opinion, “ that it is in no sort adviseable that there be any indulgence to such persons as presume to dissent from the Act of

moderation and humanity, for the appro-

Uniformity²,” his majesty acquiesced, and persecution was more triumphant.—After the banishment of Clarendon, the great promoter of the barbarous laws on account of religion; Shaftesbury, Clifford, and Buckingham, who, together with Arlington and Lauderdale, made up what was called the cabal, took the lead. These men, though for the most part unprincipled and abandoned, had sense enough to see the iniquity of the laws in being, and the folly of executing them. By their instigation another declaration was published, March 15, 167 $\frac{1}{2}$, in which, after mention being made of the fruitlessness of twelve years’ rigour, his majesty declares it to be his will and pleasure, “that the execution of all and all manner of penal laws, in matters ecclesiastical, against whatsoever sort of non-conformists or recusants, be immediately suspended; and that allowance would be granted of a sufficient number of places, in all parts of the kingdom, for the use of such as do not conform to the church of England, to meet and assemble in, in order to their public worship and devotion.” The recusants of the Roman catholic religion were, however, excepted; to whom no places of public worship were allowed, but only an indulgence in the common exemption from the execution of the penal laws, and the exercise of their worship in their private houses only.

An indulgence likewise was issued out in Scotland, Sept. 3, 1672.—Mr. Locke tells us, “the bishops took so great an offence at this declaration, that they gave the alarm of popery through the whole nation; and, by their emissaries, the clergy (who, by the contexture and subordination of their government, and

² Journal, 27 Feb. 1662.

bation of the parliament:—all which

their being posted in every parish, have the advantage of a quick dispersing their orders, and a sudden and universal insinuation of whatever they please), raised such a cry, that those good and sober men, who had really long feared the increase and continuance popery had hitherto received, began to believe the bishops were in earnest, their eyes open though late, and therefore joined heartily with them; so that, at the next meeting of parliament, the protestant interest was run so high, as an act came up from the commons to the house of lords in favour of the dissenting protestants, and had passed the lords but for want of time: besides, another excellent act passed the royal assent, for the excluding all papists from office; in opposition of which the lord treasurer Clifford fell, and yet to prevent his ruin this sessions had the speedier end. Notwithstanding the bishops attained their ends, the declaration being cancelled, and the great seal being broken off from it; the parliament having passed no act in favour of the dissenters, and yet the sense of both houses sufficiently declared against all indulgence but by act of parliament. Having got this point, they used it at first with seeming moderation; there were no general directions given for persecuting the non-conformists, but here and there some of the most confiding justices were made use of to try how they could revive the old prosecution: for as yet the zeal raised against the papists was so great, that the worthiest and the soberest of the episcopal party thought it necessary to unite with the dissenting protestants, and not to divide their party when all their forces were little enough^a."

^a Letter to a Person of Quality, in Torbuck's Parliamentary Debates, vol. I. p. 78.

were, through various causes, rendered in-

It appears, indeed, by Grey's Parliamentary Debates, that this declaration was warmly debated and greatly opposed in the house; even by such as were foes to persecution, on account of the dispensing power on which it was founded. Mr. Powle "would comply with the king to do, in a legal way, as now the declaration did in an illegal."—He conceived, if the king can dispense with all penal laws; he may dispense with all laws with a *non obstante*.—The consequence of this," said he, "is direful: the king, by this, may change religion as he pleases: we are confident of him, but know not what succession may be^a." The majority of the house, being of like sentiments, concurred in an address, Feb. 14th following; in which they say, "we find ourselves bound in duty to inform your majesty, that penal statutes, in matters ecclesiastical, cannot be suspended but by act of parliament."—The king was not well pleased with this address, but seemed to insist on his dispensing power. The commons, notwithstanding, being fixed; and a supply for his majesty under consideration; he at length told both houses, "that if there was any scruple remained yet with them, concerning the suspension of penal laws; he faithfully promised them, that what had been done in that particular, should not, for the future, be drawn into consequence or example^b." Thus was the indulgence quashed. But as the commons now were not averse to a legal toleration, they "resolved, upon the question, *nemine contradicente*, that a bill be brought in for the ease of his majesty's subjects that are dis-

^a Grey's Parliamentary Debates, vol. II. p. 15.
March, 1672.

^b Journal, 8th

effectual for the purposes intended. During

senters, in matters of religion, from the church of England^a." A bill, after long deliberation, was framed; and being read, it was resolved, 19th March, 1672, O.S. "that the bill do pass; and Mr. Powle was to carry up the bill to the lords^b." The lords proposed some amendments; and conferences were held between the houses: but it came to nothing. In 1680, the lords and commons passed a bill, intitled, "An act for the repeal of a statute made in the 25th year of queen Elizabeth, in order to give ease to the dissenters^c," but the court, being mad against them for their adherence to the interest of their country and their activity in opposing the destructive schemes then on foot, by an almost unheard-of trick, got the bill stole from the table, when it was, in course, to have received the royal assent. This was taken notice of, in the next parliament, by many very considerable members; and, among others, by Sir William Jones, who said, "This matter deserves material consideration; whether in respect of the loss of the bill, or the shaking the very constitution of parliament. The bill that is lost," continued he, "is of great moment; and of great use to secure the country, and, perhaps, their lives too, in the time of a popish successor. Those men that hindered the passing that bill, had a prospect of that; and if it be sent up again, we are like to meet with great opposition. But be the bill what it will, the precedent is of the highest consequence. The king has his negative to all bills; but I never knew that the clerk of the parliament had a negative, if he laid it aside, or not. But consider, if we send up many good bills, if this be not

^a Journal.

^b Id.

^c Id. 25 Dec. 1680.

these transactions, the attention of the na-

searched into, we may be deprived of them. No man, that knows law or history, but can tell, that to bills, grateful and popular the king gives his consent; but if this way be found out, that bills shall be thrown by, it may be hereafter said, they were forgotten and laid by; and so we shall never know whether the king would pass them or not. If this be suffered, it is in vain to spend time here, and it will be a great matter to find time to redress it. I move, therefore, that a message be sent to the lords for a conference, that some way may be found out to give us satisfaction in this great matter^a." A message, accordingly, was resolved to be sent to the lords, to desire a conference; and a committee appointed, to consider of and prepare the subject-matter to be offered at the said conference^b. But this, and every other thing in agitation in the house, was soon put an end to by the sudden dissolution of the parliament. After this, the penal laws, against the dissenters, were executed in their full rigour. As to the bills of comprehension, mentioned in the text, these were projected by Bridgman and Hale, assisted by Tillotson, Stillingfleet, and Burton, on the one hand; and by Bates, Manton, and Baxter, on the other. Their design was, by alterations and amendments, to take in as many as possible into the establishment, and give a toleration to all others who remained unsatisfied. But though more than one attempt was made; and times, under this reign, greatly varied; nothing was done to any purpose, through the zeal and bigotry of some of the ecclesiastics, who were alarmed at the least talk of such matters^c.

^a Grey's Parliamentary Debates, vol. VIII. p. 300. ^b Journal, 25 Mar. 1681. ^c See Birch's Life of Tillotson, p. 42. 8vo. Lond. 1752.

tion was drawn to the popish plot¹⁵, dis-

¹⁵ The attention of the nation was drawn to the popish plot.] Never any thing made more noise than this affair: never any thing, perhaps, in the opinion of some persons, had less foundation.—That I may be impartial, I will, however, consider the evidence for and against it with all the care that is in my power.—The popish plot, it is to be observed, was founded, chiefly, on the testimony of Titus Oates; though afterwards supported by that of several other persons. Now if he himself was a man unworthy of belief, or the testimony given by him false or incredible, it is very certain, no regard ought to have been paid unto him.

I. Oates himself was a bad man. Insincerity, in the profession of religion, is a proof of this: and Oates's insincerity is allowed by himself, and, as far as appears, without blushing, at the bar of the house of lords. “In the year (—76),” says he, “I was admitted into the service of the duke of Norfolk, as chaplain in his house; and there I came acquainted with one Bing, that was a priest in the house. And being acquainted with him, there came one Kemish very often to visit him, and one Singleton; who told me, that I should find that the protestant religion was upon its last leggs; and that it would become me, and all men of my coat (for then I professed myself a minister of the Church of England), to hasten betimes home to the Church of Rome. My lords, having had strong suspicions for some years before, of the great and apparent growth of popery, to satisfy my curiosity, I pretended some doubts in my mind. My lords, after some time had passed over, and I had had some conversation with these men, I found they were not men for my turn;

covered by Oates, and supported, as it was

because, being regular men, they were not men who had any great degree of learning. Afterwards, my lords, I met with one Hutchinson : I found him a saintlike man, or one that was religious for religions sake : and him I found not for my turn neither ; for, my lords, my design was to deal with their casuists, that is, those of the society. After that I had obtained the favour from him to have some conference with one of the society, I found they were the men for my turn ; because I found they were the cunning politieke men, and the men that could satisfy me. After that I had had some discourse with them, I pretended to be convinced by their arguments : and, my lords, after that I had thus acknowledged my conviction, I desired to be reconciled ; and, accordingly, on Ash Wednesday, 167 $\frac{6}{7}$, I was reconciled ^a.^b — Burnet says, upon asking Oates, “ What were the arguments that prevailed on him to change his religion, and to go over to the Church of Rome ? he stood up, and laid his hand upon his breast, and said, ‘ God, and his holy angels, knew, that he had never changed ; but that he had gone among them on purpose to betray them ^b. ’ ” And, if he may be believed, betray them he did : for, the jesuits having given him ten pounds to carry letters to Madrid ; he, by the way, broke up the letters, and afterwards revealed their contents ^c.^d — “ He was moreover, according to Burnet, proud and ill-natured ; haughty, but ignorant. — He was once presented for perjury : but he got to be chaplain to one of his majesty’s ships, from which he was dismissed upon com-

^a Stafford’s Tryal, p. 25. fol. London, 1680-1. ^b Vol. I. p. 423.

^c Narrative of the Plot, p. 2. fol. Lond. 1679.

supposed, by Coleman's letters, and the

plaint of some unnatural practices, not to be named." A very hopeful evidence, truly! Lord Stafford, in his defence, observed, "that any man that shall pretend himself to be a papist, for what end soever it be that he so pretends, and dissembles with God Almighty, which he must do to a great height in receiving that sacrament, which is, by your lordships and the house of commons, declared to be gross idolatry, is not easily to be esteemed a witness. I appeal to your lordships, to the house of commons, and every body, whether such a fellow, that will abhor his religion, let him do it for any ends in the world, be a man to be credited; and especially engaging in such a way, to such an height, in that which his conscience tells him is idolatrous, is not a perjured fellow, and no compleat witness? No Christian; but a devil, and a witness for the devil^a."

2. Oates's narrative is absolutely incredible. Can it be supposed that letters containing treason, high treason, should be intrusted to a new convert? That jesuits would subscribe their names to letters of such a nature in his presence, and permit him to see and read them? That they should tell him, "they would not let the Black Bastard go to his grave in peace (meaning the king of England); for that he had cheated them so often, and that now they were resolved to be served so no more; and that the duke's passport was ready, whenever he should appear to fail them?" Is it credible that the fathers of St. Omers should direct such a man to compose letters for them, and sign them when composed, "praying the English jesuits to prosecute

^a Tryal, p. 128.

murder of Sir Edmondbury Godfrey. It

their design in taking away the king; and if his royal highness should not comply with them, to dispatch him too: for they did fear that never any of the Stuarts were men for the effecting any of their ends and purposes?"—Will any reasonable man imagine, that a provincial of jesuits would own, to such a one, that they employed persons to burn the city of London, and to plunder during the flames? That they would communicate to him a plan for firing Westminster, Wapping, Tooley-Street, Barnaby-Street, and St. Thomas Apostles? A man, one would think, must be capable of swallowing transubstantiation, who can believe these things which are contained in Oates's narrative, and sworn by him with all solemnity! But something rather more surprising follows: Oates being thus intrusted, Oates having the lives of numbers at his mercy, was yet very ill treated by the provincial himself. Hear his account of the matter.—"When the provincial saw the deponent [Oates], he asked him, With what face he could look upon him, since he had played such a treacherous trick with them? and struck the deponent three blows with a stick, and a box on the ear; and charged him with being with the king, and a minister with him, whom he suspected to have informed the king of those things: because that Bedingfield had related, in a letter to Blundel, that the duke of York had related some such thing to him; and did therefore judge that it must be the deponent that must have been drawn in by some persons to the same. But at last the provincial told the deponent, that he was willing to be reconciled to him, if he would discover what the parson was, his name, and place of abode; to the end they might be secure of him; and

was an intricate affair, attended with im-

were resolved to kill him. And in the mean time the deponent was ordered to make himself ready to go beyond the seas within fourteen days, as he the provincial said^a." I observe farther, that though the sentence passed on Oates by the judges, in the latter part of this reign, was adjudged in parliament, after the Revolution, to be unprecedented, cruel, and illegal; yet, after debate, a clause was inserted in the bill for reversing the judgments given against him, "that, until the said matters, for which the said Oates was convicted of perjury, be heard and determined in parliament, that the said Oates shall not be received in any court, matter, or cause whatsoever, to be a witness, or give any evidence; any thing in this act, in any wise, contained to the contrary notwithstanding^b." What is this, but declaring him perjured^c, and what stress can be laid on the testimony of such a man?

3. Nor were the other principal evidences much better men, or deserving of more credit. Bedlow, by his own confession, had sworn falsely; and was told by "Wyld, a worthy and antient judge, that he was a perjured man, and ought to come no more into courts, but to go home and repent^c." Indeed he must have been truly Oates's fellow, if we may credit his own account. In the title page of his "Narrative of the Plot for burning and destroying the Cities of London and Westminster," he styles himself one of the popish committee for carrying on such fires^d. In the book itself we have the following paragraphs: "In the month

^a Oates's Narrative, p. 54.
vol. II. p. 458.
fol. 1679.

^b Torbuck's Parliamentary Debates,
^c Burnet, vol. I. p. 450.

^d Lond.

probabilities of many kinds ; but believed,

of June, 1676, it was my fortune to be at Paris, at the English convent of Benedictine monks, with whom I had much ingratiated myself ; so that at that time they reposed an entire confidence in me, as a fit instrument for their purposes. Amongst other discourses that happened there about the great business, which they and others were then most vigorously carrying on, viz. to subvert the protestant religion, and introduce popery into England ; they fell to debate the several ways and means preparatory thereunto, and what might be the best expedients to facilitate and accomplish the same : and as they did nothing without correspondence and communication of counsels from their fellow conspirators in England : so some or one of them produced several letters from London, wherein were divers particulars relating to the firing of the city and suburbs of London, and other cities and eminent towns in England, which was then and at all times concluded and agreed to, by them, to be the chief way and almost only means in their power, whereby to plain the way for their design : for they were unanimously of opinion, that it was absolutely necessary to weaken and ruin the said city of London, ere they could bring any of their other contrivances to perfection. — After this discourse, they at last proceeded to ask me, whether I would be assistant to them in carrying on that business, as I had been in the other great concern ; this being one of the best expedients to ripen and push on that ? To which I readily seemed to assent ; assuring them, that I could and would do more therein than any other could : magnifying what intimate knowledge I had of all parts of London, and some other great trading cities ; which did capacitate me to affect such a busi-

notwithstanding, by the wisest and best

ness more certainly and securely than another. In fine, they were extreamly satisfied; and told me that when I came to England I should be joined as an assistant to Father Gifford, for prosecuting the said affair.

— In short, for near a twelvemonth before I came in to make a discovery, I had been employed to use all arts, and endeavours, to carry on this design of firing the city of London, and other places about it; and the order and conduct of it, how, and where, to set my fires, was left chiefly to my management; but with this limitation, that the jesuits, who were the master incendiaries, and my employers, were to see and inspect how far and how sure I had laid my combustibles and fewel; which, accordingly, they did^a.

— This, I presume, is sufficient for Bedloe's character.

4. Dugdale, Turberville, Smith, and the Irish evidences, were little better than knights of the post; ready to attest any thing, or every thing, in order to obtain money to support themselves in their vices^b.

5. It is alleged, that Coleman's letters alone are sufficient to destroy all the credit of Oates's narrative. “ For how could so long a train of correspondence be carried on by a man so much trusted by the party; and yet no traces of insurrections, if really intended, of fires, massacres, assassinations, invasions, be ever discovered in any single passage of these letters^c? ”

6. It is said, that it seems utterly improbable that Sir Edmondbury Godfrey was murdered by the papists; though it was sworn, believed, and some of that per-

* Narrative of the Plot, Lond. fol. 1679, p. 2.
Iledge's Tryal; and Burnet, p. 504—506.

^b See Col-

^c Hume's History of Great Britain, vol. II. p. 282.

part of the nation. Many suffered for it,

suasion were executed for the concern they were supposed to have had in it.——“These religionists [the papists] could not be engaged to commit that crime from policy, in order to deter other magistrates from acting against them. Godfrey’s fate was no way capable of producing that effect, unless it were publickly known that the catholicks were his murtherers; an opinion which, it was easy to foresee, must prove the ruin of their party. Besides, how many magistrates, during more than a century, had acted in the most violent manner against them, without its being ever suspected that any one had been cut off by assassination? Such jealous times as the present, were surely ill fitted for beginning these dangerous experiments. Shall we, therefore, say that the catholics were pushed on, not by policy, but by blind revenge against Godfrey? But Godfrey had given them little or no occasion of offence in taking Oates’s evidence. His part was meerly an act of form, belonging to his office; nor could he, or any man in his station, possibly refuse it. In the rest of his conduct he lived on good terms with the catholics, and was far from distinguishing himself by his severity against that sect. It is certain that he had contracted an intimacy with Coleman; and took care to inform his friend of the danger to which, by reason of Oates’s evidence, he was at present exposed.——We must, therefore, be contented to remain for ever ignorant of the actors in Godfrey’s murder; and only pronounce, in general, that that event, in all likelihood, had no connexion, one way or other, with the popish plot. Any man, especially so active a magistrate as Godfrey, might, in such a city as London, have many enemies, of whom his friends

protesting their innocence in their last mo-

and family had no suspicion. He was a melancholy man; and there is some reason, notwithstanding all the pretended appearances to the contrary, to suspect that he fell by his own hands^a."

7. All the persons, who suffered for the plot, protested their innocence to the last moment of their lives. This seems unaccountable upon any principles of human nature; and is not to be paralleled in ancient or modern story, on the supposition that they were guilty of the crimes for which they died. We are to remember, that not only priests, but a nobleman, gentlemen, and persons in low stations of life, all, uniformly, denied the facts for which they were executed.

Let us now see what is said on the other side of the question.—And,

1. With regard to the character of the witnesses: it is replied, "That though these mens evidence might not have been credited in other cases; yet, it is fit to consider witnesses in civil and criminal cases. In civil cases, men may make elections of what witnesses they please; and 'tis their fault if they make not use of men of known integrity and repute, that more credit may be given to their evidence: and the end of civil actions and contracts is, that they may be known. But immoral and wicked actions are deeds of darkness, and contrived so as they may not be known; so that the knowledge of them comes to pass either from accident, or from the conspirators themselves: as if only one man sees a murtherer, or thief, kill or rob another; if his testimony shall not be taken because otherwise an ill man, multitudes of murthers and thefts might pass

^a Hume's History of Great Britain, vol. II. p. 284.

ments. All this had no effect: but the

unpunished. So if Cicero, when Fulvia first discovered Catiline's conspiracy to him, had told her, she was a whore, and no credit could be given to any thing she said; Rome might have been in flame, as London was, and all the senators throats might have been cut. But, admit no credit could be given to any or all these mens testimonies, who were all Roman catholics; I would know what objection could be made against Mr. Jenison (a gentleman of birth and quality), who gave no evidence at Ireland's, Wakeman's, Pickering's or Grove's tryals; and changed his religion when he heard that Ireland, who was his fathers confessor at his death, denied he was in town, but in Staffordshire, when Oates and Groves's maid said he was in London in August, 1678, and printed it, and the reasons of it; and also at my lord Stafford's trial, in open parliament deposed, that Ireland told him, there was but one stood in the way, and that it was an easy thing to poyson the king; and that Sir George Wakeman might easily, and opportunely do it: and that in August, 1678 (when Ireland, at his death, declared he was in Stafffordshire), Ireland told Mr. Jenison, in London, when he was newly returned from Windsor, how easily the king might be taken off; and asked Mr. Jenison, if he would be one of them who should go to Windsor, and assist at the taking off the king, and proffered Mr. Jenison to remit 200*l.* which he owed Ireland, if he would. Then Ireland asked, if he knew any stout Irishman? who answered, he knew captain Levallion, Mr. Kerney, Brohal, and Wilson. Ireland told him, he knew Levallion and Wilson; and then Ireland asked him, if he would go with them, and assist them in taking off the king? After

nation, being alarmed with the fears of

this, Ireland told Mr. Jenison, he was going to the club, where Mr. Coleman, Mr. Levallion, and Kerney would be; and that he wanted 80*l.* which he desired Mr. Jenison to return him. Mr. Jenison further deposed, that his brother, Mr. Thomas Jenison, (a jesuit), said, if C. R. will not be R. C. which he interpreted to be, *Si Carolus Rex non esset Rex catholicus, non diu foret Rex Carolus*; and that it was no great sin to take him off. Mr. Jenison desiring a new commission in the new-raised army, his brother told him, he would procure him one from the duke of York; and that there was another army to be raised, but this was not to be till the king was taken off: and this I say, that about this time there was a general rumour of a page being killed upon a couch in the night, at Windsor, where the king was laid but a little before; and that the king, upon the fright of it, came next morning to London; and that it was prince Rupert who, with much importunity, got the king (having been drinking hard before) from the couch, and put him to bed; and that the page, who was killed asleep upon the couch, was wrapt up in the cloak the king was in^a.

2. However incredible Oates's narrative, at this distance of time, may seem; the plot, discovered by him, was believed by men of the first distinction then, and, in consequence thereof, those who were convicted of being concerned in it were deemed to have suffered with justice, by the most respectable personages of the kingdom.—Sir William Temple writes, “I never saw greater disturbances at home, than had been raised by the plot, and the pursuit of it in the parliament; and

^a Coke's Detection, vol. II. p. 281.

what they imagined was about to befall

observed, that though it was generally believed by both houses, by city and country, by clergy and laity ; yet, when I talked with some of my friends in private, who ought best to know the bottom of it, they only concluded that it was yet mysterious ; that they could not say the king believed it ; but, however, that the parliament and nation were so generally and strongly possessed with it, that it must of necessity be pursued as if it were true, whether it was so or no^a. — Algernon Sidney, in a letter to Henry Saville, says, “ On Friday last Harcourt, Whitebread, and three other priests, were, at the Old Baily, found guilty of the plot, and condemned as traytors. On Saturday the like sentence passed upon Langhorne. The tryals were in all respects fair, even by the confession of the adversaries. The arraigned persons placed all the hopes of their defence upon the invalidating Oates’s testimony ; to which end they had about 16 witnesses sent from St. Omers, to assert that they had seen him every day in May and June was a twelvemonth at St. Omers, and consequently he could not be here as he doth assert : but as three of them, having been apprehended by Sir Will. Waller, at their first coming, told him they were come to be witnesses ; and being asked what they were to witness ? they said, they must know that from their superiors : it did plainly appear at the tryal, that they were ready to say whatever they were bid ; and Oates did plainly prove, by a knight and two of his servants, two protestant parsons, a popish priest, and some others, that he was here at that time ; so as his testimony was taken without dispute. This is a danger-

^a Sir William Temple’s Works, vol. II. p. 491, 8vo. edit.

them, and being in great dread of what

ous leading case for the lords in the Tower, whose principal hopes were to invalidate the testimony of Oates, Bedloe, and Dugdale; all which being confirmed by the judgment of a jury, in the face of all London, cannot be questioned^a.”— And lord chief justice Scroggs, though a court tool, declared from the bench, on the jury’s finding Green, Berry, and Hill, guilty, “that if he had been one with them, he would have found the same verdict; and if,” said he, “it were the last word I were to speak in this world, I should have pronounced them guilty^b.”— We find, moreover, that it was resolved, *nemine contradicente*, by the house of commons, “that they were fully satisfied, by the proofs they had heard, that there is, and for divers years last past had been, a horrid and treasonable plot and conspiracy, contrived and carried on by those of the popish religion, for the murdering his majesty’s sacred person; and for subverting the protestant religion, and the antient and well-established government of this kingdom^c.”— The lords concurred in the same vote, unanimously, the next day. At the trial of lord Stafford, after a full examination of the evidence, and an able defence made by his lordship, Sir William Jones, one of the managers for the commons, said, “My lords, I think I may take leave to say, that the plot, in general, hath been sufficiently proved. And if we consider what hath been proved at former tryals (upon which many of the offenders and traytors have been executed), what hath been published in print, and; above all, Coleman’s letters, written all with his

^a Letters to Saville, p. 101. 8vo. edit.
p. 86. fol. Lond. 1679.

^b Tryal of Green, &c.
^c Journal, 24 Mar. 1678.

might hereafter happen, cast about for the

own hand, and for that reason impossible to be falsified; we may justly conclude, there is not a man in England of any understanding, but must be fully convinced of the truth of the plot in general. I shall spare to mention the resolutions and declarations of two parliaments, and of both houses in those two parliaments without (as I remember) one dissenting voice, expressing their full satisfaction of the reality of the plot; so that, I think, now none remain that do pretend not to believe it, but two sorts of persons, the one those that were the conspirators in it, and the other those that wished it had succeeded and desire it may so still^a.—Were all these persons wholly mistaken?

3. It is admitted, that there are no clear traces of insurrections, fires, massacres, invasions, or assassinations, in Coleman's letters, as far as appears from what were published. But what is the meaning of the expressions I have before quoted, “ We are about a great work, no less than the conversion of three kingdoms, and the total and utter subversion and subduing of that pestilent heresie which has domineered over great part of this northern world a long time; there never was such hopes of success since the death of Q. Mary^b? ” What the meaning of Coleman, in writing to the pope's nuncio, “ that they had in agitation great designs, worthy the consideration of his [the nuncio's] friends, and to be supported with all their power: wherein,” adds he, “ we have no doubt but to succeed; and it may be to the utter ruin of the protestant party, if you join with us in good earnest, and cordially second our interest^c? ”—Surely one

^a Tryal of Lord Stafford, p. 169.

^b Coleman's Letters, p. 118.

^c Id. p. 8.

means of safety.—The Test Act which

would be led, by these expressions, to imagine some deep-laid designs against the nation, intrusted to foreign potentates, and promised to be supported by them. The spirit of popery is enterprising, and sticks at no means to accomplish its end.—There is, amongst Coleman's letters, one from the pope's nuncio, with whom he had corresponded at Brussels, dated Rome, Jan. 12, 1675, written so obscurely, that the house of commons could not decypher it; nor was Coleman himself, though directed to the duke of York for the key, able to master it. But the late very learned Dr. Letherland, who had capacity, and industry, and curiosity, sufficient to surmount almost every difficulty, applied himself to it, and very obligingly communicated to me the success of his endeavours. Here follows the letter, as far as he was able to discover it. “What you propose, touching the money which is in the castle, cannot be put in execution by the pope, but with the consent of all the cardinals, and only in cases comprised in the bulls. You may then consider if, in the terms wherein are at present the affairs of 80204, it would be to purpose, for the interest of the duke, to make public an affair of such a nature as this, of which I assure you with truth, and the duke may be perswaded is what in case he shall be one day the master of 3 204. will employ 6681272 and 5108126 and the credit for to assist to re-establish 5166.81266. in 9981204^a.” Coleman, in reply to this, after saying that he had been unsuccessful in his endeavours to decypher this letter, adds:—“But, Sir, though I understand not all your letter, yet I see enough in it

^a Coleman's Letters, p. 121. See also p. 25. and part II. p. 7.

had received the royal assent in one thou-

to assure myself of the pope, and of the emperor, and particularly of the internuncio, in all that concerns the affairs of the duke, whereof you have promised us yet new proofs. I shewed that part of your letter to the duke, and he commanded me to let you know how sensible he is thereof, and to give you thanks from him for it. I find also you do not approve the discourse I made you in my last letter, which I do not at all wonder at, because the subject of that discourse is so nice, or delicate, that many of the most quick-sighted persons have shewed their weakness in the conduct of that affair, and have been so entangled in it, that, after having declared themselves with much heat against the manner of proceeding of others, upon that matter, as base and detestable; they, within a while after, have become guilty of the same baseness." — What can these expressions refer to? not money, one would think, as Mr. Coleman interpreted aid and assistance to be, at his tryal^a.

4. Godfrey's murder, probably, was the work of the catholics. For though he had "a kindness for the persons of many Roman catholics; yet he always declared a particular hatred and detestation of popery. I say this," says Dr. Lloyd, "on purpose to be remembered (because some would have him a papist, or inclined that way): I never pleased him with any duty I performed, at least he never thanked me for any, so much as he did for those sermons which I preacht here against popery^b." Lloyd, we are to observe, was Godfrey's friend; and very attentive to every thing relating

^a Coleman's Letters, p. 73. fol. Lond. 1678.
Sermon, p. 13. 4to. 1678.

^b Lloyd's Funeral

sand six hundred and seventy-two, “ for

to his murder. Let us hear him then, and judge from his evidence.—“ Now I speak of discovery, methinks, I see you all stirred up, as it were, expecting that I should name you the persons that did this bloody fact. I would I could for sundry reasons. But I cannot pretend to that. I can only say, with David, they were wicked men.—Since we know not who they are who were the authors of this wickedness, at least can we find who they are that are not willing we should know it? They that have practised and intrigued to this purpose, to endeavour to hinder the search, or the discovery; if they knew what they did, we have reason to judge they were concerned for themselves, or for their friends. You cannot but remember the dust that was raised in the week when the search should have been made; those calumnies and those various reports that went about, as it were, on purpose to hinder the discovery. One while, he had withdrawn himself for debt; another while, he was married, and that not very decently; another while, he was run away with a harlot.—At last when they knew what they intended to do with him, they prepared you to expect it, by giving out that he had killed himself. You know how impatient they were to have this believed. I was told it some hours before the discovery, that he was found with his own sword through the body: others could tell that he had two wounds about him. These things were found to be true some hours after. But then they devised sundry untruths to colour it. It was suggested, it was done in distraction; which, they said, was an hereditary disease in his family: that his father and his grandfather had it before him: that this disease, being stirred up by some misapprehensions, wrought that dire

preventing the dangers which might happen

effect upon him to make him kill himself. These things (from whatsoever author they came), being confidently said, were as easily believed by them¹ who knew nothing to the contrary. I confess, I knew not what to think myself, till I saw the contrary with my eyes. When I saw he was strangled, as well as thrust through, I soon considered that no man could kill himself both those ways.—For the melancholy that was observed in our friend, I think, none, that knew him, ever thought it distraction, or any thing tending that way; but a thoughtfulness sometimes that proceeded from the intricacy and multiplicity of business: I believe the weightiest business that ever he had, was that which made him say some days before his death, I am told, I shall be knock'd on the head. He said this in my hearing, without any great visible concern. He continued the same he ever was in his daily conversation; serious in business, but chearful and pleasant at other times. Thus he used to be alway. He was so to the last day of his living life; that is, to the hour we lost him. And how he was afterwards, I suppose, they best know that were the authors of these rumours².—If you know of any that could not think themselves safe while he lived, you have great reason to believe you know the authors of his death. I have not so far been privy to his doings, as that I could be able to enter into this secret; much less to know of any personal malice against him. He that was so tender-hearted, even to those whom he punished, could not provoke any one to this height of revenge. Much less were they robbers, or any such poor rogues, that kill

¹ Lloyd's Funeral Sermon, p. 22.

from popish recusants, and quieting the

men for what they have. These did their work gratis : they left him all his money; they took nothing but his band, except papers. 'Tis therefore very credible, that the authors had some other interest that moved them to it. And that seems rather to have been against the government and the laws. They knew how firm he was in his duty to both; and, perhaps, they had tried it in something else than we know of. If so, they could not but think it worth their while to send him out of the world. One that durst do his duty, when he knew whom, and what, he should provoke by it; one that would give so ill an example to other magistrates, which, if followed, might be the ruin of their cause; what could they think of such a man? We cannot scare him, we cannot bribe him; but we can kill him. They could not have thought of a more compendious way than that^a.——Whether this amounts to a proof that the Roman catholics were concerned in the death of Godfrey, may be a question : but whether he was murdered by himself, or by others, can be none ; more especially if we add, "that when the body was found, the surgeons deposed, on the tryal of Berry, Green, and Hill, that his breast was all beaten with some obtuse weapon ; his neck broken ; a sword run through his body, but no evacuation of blood. Besides, adds the surgeon, his bosom was open, and he had a flannel waistcoat and a shirt on; and neither these nor any of his cloaths were penetrated^b. A great deal of gold and silver was found in his pocket." Mr. Hume would have done well to have considered this

^a Lloyd's Funeral Sermon, p. 26.
p. 423.

^b Id. p. 37. and Burnet, vol. I.

minds of his majesty's subjects," 'not being deemed fully sufficient for the purposes in-

evidence, before he had so peremptorily said, "there was some reason to suspect that he fell by his own hands."

5. If the Roman catholics were wholly innocent, why did they attempt to bribe, to blacken, to defame the evidences made use of against them? Innocency gives courage: guilt inspires fear; and fear lays hold on every twig for security. "One Reading, a lawyer," says A. Sidney to H. Saville, "not long since, offered four thousand pounds, and three hundred pounds a year in land, to Bedloe, if he would disavow the testimony he had given against the lords of Powis, Bellasis, and Peters; which being communicated to prince Rupert, and earl of Essex, he brought Reading, by their advice, into a place where two witnesses heard him: whereupon Reading was apprehended; and he having found means, whilst he was in the serjeants hands, to send a letter to his wife to be delivered to Mr. Chyvins (desiring to be admitted to the kings presence, promising to tell great matters), his majesty refers him wholly to the house of commons, and offers to issue out a commission of oyer and terminer for his tryal, which will be very speedy, if he save not himself by discoveries. This morning a letter was intercepted, written to him by his wife; wherein she tells him, that every body says he is a rogue; and if he doth not confess all, he will be hanged, and she, together with her children, ruined^a." In another letter he writes, "Several priests were taken the last night; of which two confess they were sent over by all means to endeavour to invalidate Oates and Bedloe's

^a Sidney's Letters, p. 27.

tended ; a new Test was devised ¹⁶, whereby the members of both houses, and the king's

testimony. Reading was this morning in the pillory, and is condemned to a years imprisonment, and 1000 pounds fine, for having endeavoured to corrupt Bedloe^a. In short, persons were convicted, and for ought appears justly, of suborning men to swear buggery against Oates, and of corrupting Dugdale^b.—Does not this look suspicious ?

6. It is said, there is nothing extraordinary in the denials of the persons executed, at the time of their death. They pleaded innocence, it is true, to the last : but popery has a bewitching power, and is capable of making its thorough votaries say and do the most false and villainous things. “ Those who use to extol all that relates to Rome, admire the constancy of the five priests executed last week : but we simple people,” says Sidney, “ find no more in it, than that the papists, by arts formerly unknown to mankind, have found ways of reconciling falsehood, in the utmost degree, with the hopes of salvation ; and, at the best, have no more to brag of, than that they have made men dye with lies in their mouths^c. ”—What stress, indeed, can be laid on the assertions of dying men, when it is well known that Bedloe and Turberville left the world asserting the truth of their evidence with regard to the plot ; though few men deny that they were infamous, perjured wretches, and unworthy of the least credit^d.—The reader, as he has a right, will determine on the whole evidence.

¹⁶ Test acts against papists were framed.] After

^a Sidney's Letters, p. 48. ^b See Stafford's Tryal, p. 13. and Burnet, vol. I. p. 449. ^c Sidney's Letters, p. 124. ^d North's Life of Guilford, p. 125. 4to. Lond. 1742. Burnet, p. 509.

and queen's sworn servants, were obliged

what we have seen of the insolent behaviour of the catholics, and the great encouragement given to them²; we are not to wonder that the zeal of the nation was raised against them, and every method devised for hindering the success of their designs.

Hitherto fanaticism had been the object of dread; and those styled fanatics, by means of a test, whereby the illegality of resistance, and of the solemn league and covenant, were to be declared, and the sacrament, according to the rites of the church of England, to be received, had been kept out of corporations. For it was supposed, that men, who believed the lawfulness of resistance and the obligation of the covenant, and disliked the mode of administration of the sacrament, or thought it criminal, would not submit unto it. In a great measure this answered the purpose of the minister Hyde, who took every method to deprive his adversaries of power, and to establish such as would fall into measures for the advancement of regal and ecclesiastical authority. — In the midst of the storms which had fallen with such violence on the several sects who conformed not to the public ritual; the papists had been pretty secure. It was now their turn to have somewhat of the same treatment with other dissenters. On the 28th of Feb. 1672, it was resolved, *nem. con.* in the house of commons, "that an address be prepared, to be presented to his majesty, for suppressing the growth of popery: and that a bill be brought in, for incapacitating all persons, who shall refuse to take the oaths of allegiance and supremacy, and the sacrament according to the rites of the church

² See note 10.

to make a solemn declaration of their dis-

of England, of holding any public employments, military or civil^a.”—The address was drawn; and, with the concurrence of the lords, presented; and graciously received. Nor was the bill unminded: for, on the 12th of March following, it was resolved, by the commons, that the bill do pass; and that the title be, “An act for preventing dangers which may happen by popish recusants^b.” By this bill, which soon passed into a law, it is enacted, under severe penalties, That all and every person or persons, as well peers as commoners, that shall bear any office or offices, civil or military—shall take the oaths of supremacy and allegiance;—and shall also receive the sacrament of the Lord’s Supper, according to the usage of the church of England,—in some parish-church, upon some Lord’s day, immediately after divine service and sermon. A declaration against transubstantiation was required likewise^c.—Burnet informs us, “that great pains were taken by the court to divert this bill. They proposed, that some regard might be had to protestant dissenters, and that their meetings might be allowed. By this means they hoped to have set them and the church party into new heats; for now all were united against popery. Love, who served for the city of London, and was himself a dissenter, saw what ill effects any such quarrels might have: so he moved, that an effectual security might be found against popery; and that nothing might interpose till that was done. When that was over, then they would try to deserve some favour: but, at present, they were willing to lye under the severity of the laws, rather than clog a more neces-

^a Journal.

^b Id.

^c Stat. 25 Car. II. c. 2.

belief of the most important articles of

sary work with their concerns. The chief friends of the sects agreed to this^a.—"Thus," says this writer, "this memorable session ended. It was, indeed, much the best session of that long parliament. The church party shewed a noble zeal for their religion; and the dissenters got great reputation by their silent deportment. After the session was over, the duke carried all his commissions to the king, and wept as he delivered them up: but the king shewed no concern at all. Yet he put the admiralty in a commission, composed wholly of the duke's creatures: so that the power of the navy was still in his hands. Lord Clifford left the treasury^b." This, I suppose, at the time, was deemed no small matter: for a popish lord high admiral, and a lord high treasurer of the same religion, must have been objects of terror in such a season. In the passage first quoted from Burnet, it is said, "great pains were taken by the court to divert this bill;" and it is truly said: for the tools of the court, who had been foremost in promoting persecuting bills against protestant dissenters; and had laughed at, insulted, and vilified them on every occasion: these wretches, I say, altered now their note; and talked loudly of humanity, religion, hardships of impositions, and many other things, which all the world thought they had no sense of.—"Let men carry humanity about them," said Sir John Duncombe, on this occasion; who declared farther, "that he did not like to expose holy things in this manner. Many," added he, "are not prepared; and will you force him to swallow it down to damn himself^c?"—Mr. Secretary Coventry said

^a Burnet, vol. I. p. 347.

^b Id. p. 252.

^c Grey's Parliamentary

Debates, vol. II. p. 78—80.

faith professed by the church of Rome.

in the house, “ If you make papists incapable of dangerous places, you will increase them:—If papists may be merchants, and not soldiers, they will increase more:—It is not prudent to make your plaster wider than your sore.”—Sir John Birkenhead affirmed, “ that, in queen Mary’s time, were never put to swear it [transubstantiation]. Though there are distinctions of *realiter*, *et verè*, *et corporaliter*, would not have a scholastical oath.—We say God is there, and the difference is *de modo*. Great charge on the synod of Dort, who would impose swearing controversial points.—As the words are now penned, people are put to swear they know not what: and for the dangerousness thereof, would lay it aside^a.” Mr. Solicitor North “ would have no swearing.—He was for the covenant test as a seditious thing. But as this is no way tending to it, but only as to doctrinal points, is against such an oath.” Such doctrine, from such mouths, could not but be had in derision.—It is very observable, that, upon the first reading of this bill in the house of lords, March 15, 1672, O. S. the earl of Bristol spoke in its favour.—This nobleman had made a great figure in the beginning of the civil wars, and had rendered himself remarkable by his wit, his eloquence, his projects, and exploits of various kinds. Whilst abroad, he left the protestant and took up with the Roman catholic religion, whether from motives of conscience, or policy, is uncertain. He, however, always declared himself a catholic of the church of Rome, not a catholic of the court of Rome, in which character he chose to place himself for the view of others.—After making a very handsome introduction, he observes, “ that the

^a Grey’s Parliamentary Debates, vol. II. p. 97.

The duke of York, indeed, was expressly

bill, in his opinion, was as full of moderation towards catholics, as of prudence and security towards the religion of the state. In this bill," proceeded he, " my lords, notwithstanding all the alarms of the increase of popery and designs of papists, here is no mention of barring them from private and modest exercise of their religion; no banishing them at such a distance from court; no putting in execution of penal laws in force against them: all their precautions are reduced to this one intent, natural to all societies of men, of hindering the lesser opposite party from growing too strong for the greater and more considerable one; and in this way of just prevention, is not the moderation of the house of commons to be admired, that they have restrained it to this sole point, of debarring their adversaries from offices and places, and from accessions of wealth, by favour of the sovereign? They considered well, that wealth and power, from public charges and employments, do range the generality of men to opinions and parties, more strongly far than all other arguments; according to the saying of Eneas Silvius (himself a pope), That the popes superiority over general councils would ever find most doctors for it, because the pope had so many bishoprics to give, the councils none. I say, my lords, that in contemplation hereof, the wisdom of the house of commons has wholly applied its care, in this bill, to hinder (as appears most reasonable) those of an opposite party from a part of the government of that state under whose protection they live. It is true, my lords, some Roman catholics may seem to be put to extraordinary tests in this act; and such as, upon the score of conscience, as a Roman catholic, I shall give my

excepted in this act.—But, as he was now

negative to: but speaking as a member of a protestant parliament, I cannot but think prudent and reasonable in the proposers; their end being solidly to secure the fears of those they represent. And after all, my lords, how few do the sharp trials and tests of this act regard? only a few such Roman catholics as would fain hold offices and places, at the price of hypocrisy and dissimulation of their true sentiments in religion. My lords, I am none of those, none of those wherry men in religion, who look one way and row another. I have had the honour to exercise a great charge of state under the last king, of blessed memory; and to continue the same under our most gracious sovereign that now is; till it pleased Almighty God to call me (even at the article of death) to that religion, wherein, I trust, he will give me the grace to live and dye, what danger soever may be set before me. But after that call, my first work, my lords, was to deliver up the seals to the king uncommanded, as judging it unfit (though then in a catholic country) for any man of a different religion from his prince, to exercise a charge of that importance under him; and I am now, my lords, much more of that opinion than ever^a.—This test, on the discovery of the popish plot, was enlarged. The reasons of it, as well as the new test itself, I transcribe from the Statute Book, as follows:—“Forasmuch as divers good laws have been made for preventing the increase and danger of popery in this kingdom, which have not had the desired effects, by reason of the free access which popish recusants have had to his majestys court, and by reason of the liberty which of late

^a Two Speeches of George, Earl of Bristol. Lond. 1674. 4to.

known to be a papist, and to have connexions with France and Rome, it was judged, that all hitherto done was lost

some of the recusants have had and taken to sit and vote in parliament: Wherefore—be it enacted, that—No person who now is, or hereafter shall be, a peer of this realm, or member of the house of peers, or sit there during any debate in the said house of peers; nor any person that now is, or hereafter shall be, a member of the house of commons, shall vote in the house of commons, or sit there during any debate in the said house of commons; after their speaker is chosen: until such peer or member shall, from time to time, respectively, and in manner following, first take the several oaths of allegiance and supremacy; and make, subscribe, and audibly repeat, this declaration following:—I, A. B. do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe that, in the sacrament of the Lords Supper, there is not any transubstantiation of the elements of bread and wine, into the body and blood of Christ, at or after the consecration thereof, by any person whatsoever: and that the invocation or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the church of Rome, are superstitious and idolatrous. And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words read unto me, as they are commonly understood by English protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me for this purpose by the pope, or any other

labour, while the succession to the crown was within his view. A bill, therefore, was brought into the house of commons,

authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or may be acquitted before God or man, or absolved of this declaration, or any part thereof, although the pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning^a."—There was a proviso added, that nothing in the act contained should extend to the duke of York.—This law effectually cleared the houses of parliament from the Roman catholics. But the former law, if we may believe the commons in their address to his majesty, May 29, 1680, was to little purpose.—"The act of parliament," say they, "enjoining a test to be taken by all persons admitted into any public office, and intended for a security against papists coming into employment, had so little effect, that, either by dispensations obtained from Rome^b they submitted to those tests, and held their offices themselves; or those put in their places, were so favourable to the same interests; that popery itself has rather gained than lost ground since that act."—Popery is subtle, crafty, compliant on occasion, and insinuating: and the papists,

^a Stat. 30 Car. II. c. 1.

^b Sixty commissions to popish officers were signed, in about five or six weeks, in the year 1678.—And Mr. Onslow, in the house of commons, affirmed, that a bull was set up in St. James's chapel, with orders to all confessors to absolve men for taking the oaths and the test. Grey's Parliamentary Debates, vol. VI. p. 219.

for excluding¹⁷ him from succeeding to the

the men of skill among them, know how to accommodate their principles and behaviour to those over whom they endeavour to bear rule. Any thing, but an absolute renunciation of their principles, will they profess; and conform to the customs of heathens; in order to proselyte them to a doctrine much worse than heathen. The behaviour of the jesuits in China is a sufficient proof of this.—Burnet tells us, the latter test “ passed in the house of commons without any difficulty. But in the house of lords, Gunning, bishop of Ely, maintained that the Church of Rome was not idolatrous. He was answered by Barlow, bishop of Lincoln. The lords did not much mind Gunning's arguments, but passed the bill. And tho' Gunning had said that he could not take that test with a good conscience; yet, as soon as the bill was passed, he took it in the crowd with the rest. The duke got a proviso put in for excepting himself. He spoke, upon that occasion, with great earnestness; and, with tears in his eyes. He said, He was now to cast himself upon their favour in the greatest concern he could have in this world. He spoke much of his duty to the king, and of his zeal for the nation: and solemnly protested that, whatever his religion might be, it should only be a private thing between God and his own soul; and that no effect of it should ever appear in the government. The proviso was carried for him by a few voices; and, contrary to all mens expectations, it passed in the house of commons¹⁸.” How well the duke of York kept his word, may, perhaps, be seen hereafter.

¹⁷ A bill was brought in for excluding the duke of

¹⁸ Burnet, vol. I. p. 435.

throne. This was a bold step: but, in

York from the succession to the crown.] If Coleman's papers were defective in proof of the plot, they amply shewed what the nation was to expect if ever the duke succeeded to the crown, as there was great probability he one day would. In a letter to the French king's confessor, dated, June 29th, 1674, Coleman says, "I am commanded to tell you, that his royal highness, my master, is very sensible of the friendship of his most Christian majesty, which he will endeavour to cultivate very carefully, and give him all possible assurances of it, to take away all jealousies that his enemies would raise to the contrary. That his royal highness has done nothing, in any manner whatsoever, nor in any place, against the interest of his most Christian majesty; but hath rendered him all the good offices he hath been capable of. That as for recalling the parliament, and touching my lord A——, his highness is altogether of the opinion of his majesty, that neither one nor other is useful, but quite contrary, very dangerous, as well for England as France; and that his most Christian majesty is in great danger of losing the neutrality of England at the next session (if the parliament meet), as he lost its alliance by the peace of Holland at the last; because the lower house, and their friends (as the furious protestants, and the malecontents in the house of lords), have a design to lessen his royal highness, and root out the catholic religion; and they think they cannot make use of any other fitter means to attain their end, than to raise the Dutch, and to perplex his most Christian majesty as much as lies in their power. That his highness doubts not, but it is absolutely necessary for the interest of his most Christian majesty, and his royal highness, to use all

spite of court influence, it passed in due

endeavours to hinder the meeting of the parliament, by perswading his Britannic majesty, that his greatness, his honour, and his quiet, are no less concerned therein than theirs; so that if his most Christian majesty would write freely his thoughts thereupon to his Br. majesty, to forewar[n] him of the danger he apprehends from thence; and would withall think fit to make him the same generous offers of his purse, to perswade him to dissolve the present parliament, as he hath done to his highness for the election of another; perhaps he would succeed therein by the assistance we would give him here^a.”—In a letter to the internuncio, dated 21 Aug. 1674, he says, “it is the duke alone upon whom all the rest [of the catholics] do entirely depend^b.” And in a letter to the same person, dated Sept. 11 following, he tells him, “your friends the emperor and the pope, will have a fair occasion of giving marks of their friendship to Mr. [the duke], by joining their credit and interest to his, to make the great design (which he hath so long meditated) succeed, to undermine the intrigues of that company of merchants who trade for the parliament and the religion, and to establish that of the associated catholics, in every place, which may be done (without any great trouble), if the emperor and the pope will grant him their assistance, and that Spain will not too obstinately oppose him; as he hath hitherto done to his own prejudice^c.”—In a letter from the internuncio, dated Bruxelles, 14th Aug. 1674, it is said, “the emperor is entirely the duke’s; and the internuncio has this week received letters from him, wherein he com-

^a Coleman’s Letters, p. 1.

^b Id. p. 7.

^c Id. p. 12.

form where it took its rise; and was much

mands him to assure the duke of the passionate zeal he has for his service, and those of the catholics. I pray you acquaint the duke with it; and assure him, that the internuncio has also the same inclinations, as he will make appear on all occasions that shall present themselves: but it must be the duke himself must direct in what we may contribute to his service. The pope also will give his assistance in such things as are proper for him to appear in.^a"—In a letter from cardinal Norfolk to Coleman, dated Ap. 18, 1676, we read, "that cardinal Norfolk had, some time since, a letter left at his lodging, from the duke, by I know not who; yet he called himself the duke's agent: and by what cardinal Norfolk's servant tells me, he seemeth to be an Italian, as it is most probable; for, if he were of England, I think, he would not so publickly give himself that name, which can do the duke no good at present to be called so in Rome publickly: although I think it were very fitting the duke should have a good one; and if he like of it, cardinal Norfolk offers him who useth to write to you, Mr. J. Lay; for whose ability, fidelity, and activity, cardinal Norfolk will answer; and what he cannot do, cardinal Norfolk will supply; and this without taking the name of it or any interest, which certainly others would expect, and, perhaps, want: but he doth neither. This you may offer the duke in cardinal Norfolk's and his name^b."—I will add but one or two passages more from the cardinal's letters.—"What you wrote," says he; "of the dukes being advanced one step towards the catholic

^a Coleman's Letters, p. 21.

^b Id. p. 87.

applauded by the friends of their country.

religion, was a most welcome news to cardinal Norfolk, who presently rejoiced our pope and cardinal Altieri with it: and now yours of the twenty-seventh hath fully compleated cardinal Norfolk, our pope, and cardinal Altieri's joy with it^a."—And again, in another letter, " The adjoined pacquet, which I now direct to you, contains the popes brief, in answer to the second letter from his royal highness^b."—After the publication of these letters, no man could possibly doubt of the religion and politics of the duke. His principles were most dangerous; his connexions fatal to the nation: and it behoved every man of sense and virtue to guard against him. Accordingly we find the best men in the house of commons took the alarm. Lord Russel, Nov. 4, 1678, moved to " address the king, that his royal highness may withdraw himself from his majesty's person and councils^c." This being seconded by Mr. Booth, produced a great debate. The courtiers were firm to his royal highness; and had strength enough to adjourn the debate. The king, however, thought proper to assure both houses, that he would be ready to give his consent to such reasonable bills as should be presented, to make them safe in the reign of any successor, so as they tend not to impeach the right of succession, nor the descent of the crown in the true line; and so as they restrain not his power, nor the just rights of any protestant successor. This, possibly, would have satisfied at that time. But the long parliament being dissolved, which had manifested such zeal for his majesty's service, and been so much at his beck, and another of a different complexion chosen; the current against the duke ran

^a Coleman's Letters, p. 88.

^b Id. p. 92.

^c Journal.

— In the house of lords it met a different

so high, that, though he absented from the king's person and councils^a, it was resolved, " May 9, 1679, that the duke of York's being a papist, and the hopes of his coming such to the crown, has given the greatest countenance and encouragement to the present conspiracies and designs of the papists against the king, and the protestant religion^b." Two days after, being Sunday, " it was resolved, that a bill be brought in to disable the duke of York to inherit the imperial crown of this realm^c." A bill was accordingly brought in, read twice, and committed to a committee of the whole house; but proceeded no farther, by reason of the prorogation and dissolution of the parliament. The matter did not rest here; but was revived and prosecuted, with the utmost zeal, by the commons (though rejected by the lords, and had in abhorrence by his majesty), in the two following parliaments. But all in vain. The king was determined to adhere to the succession, and prefer the interest of his brother to that of the nation. Worthy shepherd! excellent king! May never a prince of this disposition reign over us again.

It is very natural to suppose a bill, of this extraordinary nature, must have been warmly debated. In fact, it was. Some account of these debates I will give for the satisfaction of the reader.—Mr. Harbord, with great spirit, declared, " he was satisfied, as long as the duke had any prospect left of coming to the crown, the king could not be safe. So long as Mary, queen of Scots, was alive," continued he, " queen Elizabeth was neither safe in her person or government.—The king, in his speech, bids us look to the prosecution of

^a The duke went abroad; first into Holland, and then to Brussels.
^b Journal. ^c Id. See also Temple's Works, vol. II. p. 532. 8vo.

fate.—His majesty's dislike to it being

the plot, that he and the kingdom may be safe. This being considered, you have reason for your vote. I appeal to you, whether, since the king came in, our misery, directly or collaterally, has not arisen from the duke. My trust is here for the people and the state; and I have no gratitude to pay the duke. The king is his sovereign lord as well as mine; and I appeal, whether it was not for the duke's sake this wife was procured for the king. A great part of the world thought her incapable of children: but such was the authority of some people then, that they laid this as the foundation for the duke to succeed. In short, from thence we may derive our woes. Let us see what the nation hath done for him contrary to all precedents. At Oxford, a hundred and twenty thousand pounds was given to the duke for his good services at sea. And after you had stigmatized persons in parliament, they were taken into his service. Two persons were raised by him. Lord Clifford was introduced; supported, upheld, and maintained by the duke. Popery, and arbitrary power, have attended things for these several years last past. I shall never forget how the English were sacrificed at the fight with the Dutch at Solebay. To preserve the French kings subjects, the English were exposed, and foreigners saved. Lord Sandwich was forced to command the blue squadron, and to give precedence to the white flag of France. When they thought they had made a mistake, and the English were exposed, three or four of the French ships fought, and they were turned out of their places for it when they came home. And when that villain, Sir Joseph Jordan, betrayed the fleet, the duke got him a pension. And who commanded this fleet we all know. I must say, that it is my opinion, that till the

publicly known, through the politeness of

papists see that the duke cannot be king, the king's life will be in danger. Therefore, I move for a bill to exclude the duke from the succession^a."——Colonel Titus observed, "all was now at stake; and," added he, "I am come hither to do my duty, and to speak plain. Was there any place left for moderation, or expedient, I would run into it. To act moderately, that is to act with reason: immoderately, is with passion. No man advises you to love your wife and children moderately, or to serve God moderately. One on the highway advises me to ride moderately, or I shall tire my horse, or break my neck; and it is good advice. But when thieves pursue me, to advise to ride moderately, is to have me knocked on the head, and lose my purse. A ship captain, who had sprung a leak in his ship, advised his men to pump moderately for fear of calentures; but the men pumped on, and saved the ship. But for whom do we urge this moderation? Is it for one to expect moderation again? For our souls, we are heretics; they will burn us, and damn us. For our estates, they will take our lands, and put monks and fryars upon them. Our wives and children must beg: and this is the moderation we are like to expect from them. But this is not the worst of it yet. Though protestants differ ever so much in principles, and disengagements; yet, upon common principles of humanity, they agree. But here is no probability of that from the papists. Nobody did promise more not to alter religion, to the Norfolk and Suffolk men, when they stuck to her title, than queen Mary did; but when she came to the crown, she burnt them, and was even with them: and for the crown of England, she gave them a

^a Grey's Debates, vol. VII. p. 396.

the nobles, who had pretensions to court-

crown of martyrdom^a."—Mr. Boscawen said, "Can any man think them [the papists] the disciples of Christ, that have murdered so many good Christians, and committed that massacre in Ireland, where the government was protestant? After all kind usage and intermarriages amongst them, the papists in Ireland murdered some hundred thousands: a thing not heard of among heathens! These I cannot call Christians. If this be so, we cannot expect better usage from them than our ancestors have had. Remember the massacre of France, where, under pretence of inviting all the great protestants to the king of Navarre's marriage, they had their throats cut. In Piedmont, the poor protestants were hanged up like mice and rats; and we cannot expect grapes from thorns, or figs from thistles. We can expect no better from them. Consider the duke's interest; how it is engaged with France and the pope against England, in opposition to the king, and the parliament, and the true interest of England. God is my witness, had I the least probability of security, I would not open my mouth against the duke's succession. The king living, and though the parliament has made so many declarations against these restless spirits, yet nothing will content them; and all from the great encouragement they have from the hopes of the duke's coming to the crown, and the countenance they have from him. As for the legality of putting the duke from the succession, &c. the statute of the 13th of Eliz. puts that out of question; and self-preservation is no breach of Christianity. I now speak for the whole body of England, to our preserva-

^a Grey's Debates, vol. VII. p. 400.

favour; and the gratitude of the bishops,

tion; which cannot be without something of this nature. If it should be made lawful to rise against a king that is a papist; why should we not prevent it, and having our throats cut, and going to Smithfield? It is natural in every government to preserve itself. Here is no *majus et minus* in that case, that makes no difference. If you make a king that shall have tutors; you, by that, dethrone him: either you must make him no king, or your laws will not bind him when he is king. The nation was easily drawn into popery after queen Mary's time; and the privy counsellors in Hen. VIII's, Edw. VI's, queen Mary's, and queen Elizabeth's time, all changed, when the prince changed. They were of the bishop of Paris's mind, who would not change his part in Paris for his part in Paradise. The nature of our government is quite contrary to any expedient. The king names all the counsellors, judges, and bishops. And what manner of king would you make him, by limiting him? It was the saying of King James, Let me make what bishops and judges I please, and I will have what laws and religion I please. As for the fear of a civil war, if once the putting the duke from the succession, &c. be a law; whoever rise against it are traytors. Nothing will unite protestants but this bill: nothing will prevent a civil war but this, and prevent us from being hauled to Smithfield: nothing else will prevent this but the bill, and therefore I am for it.* — What spirit; what force of expression! What zeal for religion; what love of liberty is here! No fawning on majesty; no court to ministers; no expressions of servility; proceeded from the mouths of

* Grey's Debates, vol. VII. p. 411.

for their preferments; mixed with hopes,

the ever-glorious patrons of this bill.—In an age like this, when we are openly told, “that no branch of Christianity is intolerant by principle;”—“that it is the opinion, in a manner universally held by all catholics, that the pretence to the deposing power was an usurpation of the court of Rome;”—“that it is now near 200 years since the popes pretended to exercise this power, which is a tacit disavowal of it^a;”—when we are taught to believe that the Irish rebellion was far from being the effect of religious opinion; and trifling, in comparison of what has been represented^b:—and when popery is looked upon as so harmless a thing, “that popish bishops reside here, and go about to exercise every part of their function without offence, and without observation^c;” in an age like this, the zeal expressed in these speeches against popery, and the terrible consequences apprehended from its re-introduction amongst us, will appear very amazing.—But we are to remember, that the promoters of the exclusion bill had read history; attended to facts; drew proper consequences from them; and were not to be talked out of their senses by men void of shame. They knew, that popery was always the same:—intolerant, barbarous, and bloody. They knew the decrees of councils against heretics; knew, that there were inquisitions; knew, that there were dragoonings, and persecutions, most horrid, carried on against the protestants, at that very time. What were promises in the eyes of men, who were fully convinced, that though a prince, who embraced the Romish faith, should promise not to

^a Considerations on the Penal Laws against Roman Catholics, p. 7—9. 8vo. Lond. 1764. ^b Brooke's Tryal of Irish Roman Catholics, *passim*. ^c Answer to Mayhew's Observations, p. 66. 8vo. Lond. 1764.

perhaps, of future good things:—the

persecute his protestant subjects, according to the tenor of popish severe and sanguinary laws; yet his solemn promises cannot give to them any just security of freedom and exemption from those punishments^a. Had not the Moriscos, in Spain, solemn promises? Had not the Hugonots in France? Aye; and oaths too:—but they were of no avail.—Whether it be an opinion, in a manner universally held by all catholics, that the pretence to the deposing power was an usurpation of the court of Rome, will be easily judged, when the reader is informed, “that no longer ago than Sept. 25, 1728, Hildebrand (Pope Gregory VII. one of the most wicked of mankind, and most infamous even of popes) was exalted into a saint by Benedict XIII. and in a supplement to the Roman breviary, his festival is ordered to be kept by all Christians with a double office. The collect is, ‘O God! the strength of all that trust in thee, who hast endued the blessed Gregory, thy confessor and pope, with virtue and constancy to defend the liberty of the church; grant to us, that, by his example and intercession, we may overcome valiantly all that opposeth us.’ And to point out in what particular his zeal is to be imitated, the lessons for the day tell us: No pope, since the apostles’ days, did or suffered more for the church, or fought more desperately for it. Against the impious attempts of the emperor Henry, he stood an intrepid champion, and deprived him of the communion of the faithful, and of his dominions; and absolved all his subjects from their allegiance.—While he was cele-

^a See a Discourse concerning Laws made against Heretics by Popes, &c. p. 34. 4to. Lond. 1682.

majority of the lords rejected the bill,

brating mass, a dove was seen flying down from heaven, and sitting with expanded wings on his right shoulder, as a proof that he was guided by the inspiration of the Holy Ghost.—At length this true saint went to heaven, &c.—By order of our most holy father, Benedict XIII. lord of the city, and of the world (*urbis & orbis*). Signed, N. Cardinal Coseia².”—This is a “ tacit disavowal,” with a vengeance!—To return.—In answer to these arguments, Mr. Hyde, the duke’s brother-in-law, better known by his title of earl of Rochester, which he afterwards obtained, said, “ I am of opinion, that the duke, for deserting his religion, deserves a great many mortifications from the nation; and, I believe, the duke is convinced, that it cannot be reasonable for him to expect to come to the crown upon such terms as if he had not given those apprehensions and jealousies. The question is urged for bringing in a bill of exclusion: but there is one question before that, Whether the house will go into a grand committee, to consider of ways and means for the preservation of the protestant religion? Does any man think this bill will pass the lords, and the king too? I pray God the king may outlive the duke! But if it comes to the duke’s turn, whether will the duke acquiesce in this law? What security of importance is this law, if the duke outlive the king? The king, by passing this bill, will involve the nation in a civil war; and then the short question will be, Whether a civil war is more dangerous than a popish successor? Are these looked upon as trifling things? There are more protestants than papists in England;

² Lavington’s Enthusiasm of Papists and Methodists, part III. p 274.
8vo. Lond. 1751.

though evidently calculated to prevent the

and they may give a popish successor trouble, should he attempt a change in religion. In all times there have been a great many worthy men, who, in all difficulties, will stick to the crown; and, in process of time, there will be discontents among them who oppose the crown: and those that are not pleased, will join with them that are loyal, and there will be trouble in changing the succession. It has been hinted, over the way, as a remedy to preserve religion, To leave the duke as a general without an army. Now you have an opportunity, you may make several laws to suppress popery, and of leaving the duke alone; which being so, he cannot subvert the protestant religion. You have now opportunity, and you know a popish successor, and may bind James, duke of York, by name; and there is one power yet above between him and the succession. The duke may die before the king; and the King may marry again, and have a successor. Besides, the crown has but a narrow revenue; and the parliament must supply it from time to time for the ordinary exigencies of the crown, and the parliament will then provide for their own safety better than by taking this way proposed².—Sir L. Jenkins argued on the same side of the question; and, among many other things, observed, “ that the consequence of this bill is altering the government from successive to elective. The successor is to be disinherited, because of a supposed demerit: and where we can punish demerit, we may reward merit; and, consequently, the crown may be removed from the royal line to any other. But I confess myself at a loss to know, by

² Grey's Debates, vol. VII. p. 402.

greatest mischief. Such was the influence

what law or authority we can do this, or by what rules we are to try and judge of the qualification of our princes. I do not here consider the duke's personal merits; because I should speak as much for any one next in blood, though without merit at all. I might say, first, as to his religion, if it is popish, yet that he is no bigot; because his children are all bred protestants, and so are his servants, especially those that have the largest share in his esteem; and that he has never been wanting in respect and favour to any one of that profession. That he is not only the presumptive heir of the crown, brother of his present majesty; but the son of a king, for whom so many of your ancestors have laid down their lives and liberties, and most men their fortunes. That he hath fought our battles with bravery; that he is exactly just between man and man; a strict observer of his word: and never yet entrenched on any man's property: these things malice itself cannot deny; but, with me, they are the least considerable in this case, for it is his apparent, indisputable right of succession, which I most contend for. The law says, If a man is disseised of an estate tail, his child, though not born at the time of his disseisure, shall have a writ of *formedon*, and shall recover; because his father was disseised *contra formam donationis*. And if in private estates descents do regulate possessions and properties; why should it be otherwise in the case of kingdoms? or what casuist can give me a sufficient reason, why the birthright of princes should not have the same rules of natural justice, as those of private men? Or how can any one think, that wrongs and injuries done to princes, must not, one time or other, be as severely accounted for, as those done to other men? Could

of this monarch in that august assembly!

the late king have disinherited his present majesty? No: because he was to succeed by the law. No more, therefore, can his present majesty consent to disinherit him that is next in blood. And, I dare say, this is the first instance of any such attempt against a prince whose proximity of blood is indisputable^a." Burnet tells us, "all Jenkins's speeches and arguments against the exclusion, were heard with indignation^b." We see, indeed, they were wretchedly contemptible, and even unworthy of serious argument among men capable of discernment.—But though the majority in the house of commons were thus zealous against the duke, they were far from being determined amongst themselves who was fittest to succeed to the crown. Some, it seems, were for the prince of Orange; others, for the duke of Monmouth; whilst a third party were only upon negatives, as Mr. Sidney speaks. "But," adds he, "when I have said what I can upon this business, I must confess, I do not know three men of a mind; and that a spirit of giddiness reigns amongst us, far beyond any I have ever observed in my life^c."—To go on.—The bill was argued for in the house of lords, by the earls of Shaftesbury and Essex; and the lord Halifax was the champion on the other side, who is said to have gained great honour in the debate, and to have a visible superiority to Shaftesbury in the opinion of the whole house. Let us, however, hear the account of this debate, as preserved by Mr. Johnson, from lord Essex himself. "That learned nobleman, the great earl of Essex," says he, "was pleased

^a Jenkins's Life, prefixed to his Letters, vol. I. p. 101. fol. Lond. 1724.

^b Burnet, vol. I. p. 482. . . . ^c Sidney's Letters to Saville, p. 53.

A popish successor, probably, in his eye

to tell me what arguments he insisted upon in that debate. The first was, that the regality of England was an office, concerning which the seventeenth chapter of king Edward the Confessor's laws is wholly spent; and it is so declared to be in many acts of parliament as low as queen Mary's time: and that a woman, as well as a man, might be invested with the regal office. Hereupon he said, that a person unqualified, as all the world knew the duke of York was, could not be admitted to that office. Upon discourse about this, I remeinder his lordship was pleased to take down Lambert's Saxon Laws, and shew me several particulars in that seventeenth chapter which I had forgot. His second argument was to prove, that if the duke of York had unqualified himself for that high office, as he plainly had for the meanest office in England, then the parliament had, undoubtedly, power to foreclose him and set aside his remainder in the crown; because they had power to do more. This, he said, was the known law of England, and agreed upon by lord chancellor More; and Richard Rich, then sollicitor general, and afterwards lord Rich; as a first-established principle. Upon which they argued about the supremacy. It stands thus in the record, as we have it, p. 421, of lord Herbert's History. The sollicitor demanded, If it were enacted, by parliament, that Richard Rich should be king, and that it should be treason for any man to deny it; what offence it were to contravene this act? Sir Thomas More answered, That he should offend if he said no, because he was bound by the act; but this was *casus levis*: whereupon sir Thomas said, he would propose a higher case; suppose by parliament it were enacted *quod Deus non sit Deus*, and that it were

could be no curse to his people ; and he

treason to contravene ; whether it were an offence to say according to the said act. Richard Rich replied, yea : but said withal, I will propose a middle case, because yours is too high. The king, you know, is constituted suprem head of the church on earth : why should not you, Master More, accept him so, as you would me if I were made king by the supposition aforesaid ? Sir Thomas More answered, The case was not the same ; because, said he, a parliament can make a king, and depose him : and that every parliament-man may give his consent thereunto ; but that a subject cannot be bound so in the case of supremacy, ‘ *Quia consensum ab eo ad parlamentum præbere non potest, et quanquam rex sic acceptus sit in Anglia, plurimæ tamen partes exteræ idem non affirmant.* ’ Because the parliament-man cannot carry the subjects consent to parliament in this case (that is to say, nobody but Christ could make his own vicar, and the head in heaven make the head on earth) ; and although the king be held to be head of the church here in England, yet the greatest part of the world abroad are of another mind. Here Sir Thomas More stuck ; for, I believe, stick he did, because he laid down his life for it : but, you see, that the undoubted unquestioned law of the land was this, that a parliament can make and depose a king, for it is the foundation of their arguing : and it cannot be thought that a learned lord chancellor and sollicitor general should be both ignorant in the first principles of the law. Neither would Richard Rich have been made a lord, and the head of a noble family of earls, if it had not been current law in those days : for such a principle upon record would have been as bad, and hurt his preferment as much, as if he had

might be unwilling to punish his brother for that of which he knew himself equally

been stigmatized. And, therefore, my lord of Essex's argument was more than measure; that if a parliament could make and depose a king, and make Richard Rich king, much more they might foreclose the duke of York, who was no king, and more unqualified than Richard Rich; and might make the prince of Orange king, anotherghess man than Richard Rich.—Thus that great man argued: but care was taken that he should argue for the good of his country no more.—Indeed my lord of Essex told me, that his adversaries in that debate waved the jargon of divine right, and the line of succession;—and at that time they betook themselves chiefly to reasons of state. They were got at the old scarecrow, *venient Romani*, the foreign catholics would espouse the duke of York's quarrel; the antient kingdom of Scotland would admit him for their king, in opposition to our act of parliament; and this would entail a dangerous war upon the nation (that is, I suppose, the navy royal of Scotland would have given law to the English fleet). They were, likewise, doubtful of Ireland: and if these two kingdoms were dismembered from us, the solitary kingdom of England would not make that figure in the world as it used to do. And therefore, according to the method of all hired polities, they must make sure of sinking three kingdoms for fear of losing two, and deliver up the castle for fear the suburbs should revolt. With such fitting arguments was that cause supported: and if I have broken any rules in repeating that great man's private discourse, now it is done, I cannot help it¹.—The pressing this exclusion bill by the

* Works of Mr. Sam. Johnson, p. 313, fol. Lond. 1710.

guilty. An excellent prince, truly!—His conduct, indeed, in other respects, was

commons, in the two last parliaments, was one reason given by his majesty for their dissolution.—“Contrary to our offers and expectation, we saw that no expedient would be entertained but that of a total exclusion; which we had so often declared was a point, that, in our own royal judgment, so nearly concerned us, both in honor, justice, and conscience, that we could never consent to it. In short, we cannot, after the sad experience we have had of the late civil wars, that murdered our father of blessed memory, and ruined the monarchy, consent to a law, that shall establish another most unnatural war, or at least make it necessary to maintain a standing force for preserving the government and peace of the kingdom. And we have reason to believe, by what passed in the last parliament at Westminster, that if we could have been brought to give our consent to a bill of exclusion, the intent was not to rest there, but to pass further, and to attempt some other great and important changes even in present^a.” This and other things, most reproachful to the majority of the house of commons, in two parliaments, was ordered to be read in all churches and chapels throughout the kingdom. But they wanted not their advocates; who observed, on this declaration, “that his majesty does not seem to doubt of his power, in conjunction with his parliament, to exclude his brother. He very well knows this power hath been often exerted in the time of his predecessors: but the reason given for his refusal to comply with the interests and

^a Declaration touching the causes that moved him to dissolve the two last Parliaments, p. 6. fol. Lond. 1681.

greatly detrimental to the nation ; as it tended to increase the power of France,

desires of his subjects, is, because it was a point which concerned him so near in honor, justice, and conscience. Is it not honorable for a prince to be true and faithful to his word and oath ? to keep and maintain the religion and laws established ? Nay ; can it be thought dishonorable to him to love the safety and welfare of his people, and the true religion established among them, above the temporal glory and greatness of his personal relations ? Is it not just, in conjunction with his parliament, for his people's safety, to make use of a power warranted by our English laws, and the example of former ages ? Or is it just for the father of his country to expose all his children to ruin, out of fondness unto a brother ? May it not rather be thought unjust to abandon the religion, laws, and liberties of his people, which he is sworn to maintain and defend, and expose them to the ambition and rage of one that thinks himself bound in conscience to subvert them ? If his majesty is pleased to remember what religion the duke professeth, can he think himself obliged in conscience to suffer him to ascend the throne who will certainly endeavour to overthrow it, and set up the worst of superstitions and idolatry in the room of it ? Or if it be true, that all obligations of honor, justice, and conscience, are comprehended in a grateful return of such benefits as have been received ; can his majesty believe that he doth duly repay, unto his protestant subjects, the kindness they shewed him, when they recalled him from a miserable helpless banishment ; and with so much dutiful affection placed him in the throne, enlarged his revenue above what any of

the natural rival and foe of Britain.—
On his restoration, he began to league him-

his predecessors had enjoyed, and gave him vaster sums of money in twenty years than had been bestowed upon all the kings since William the First; should he, after all this, deliver them up to be ruined by his brother? It cannot be said that he had therein more regard unto the government than to the person, seeing it is evident the bill of exclusion had no ways prejudiced the legal monarchy, which his majesty does now enjoy with all the rights and powers which his wise and brave ancestors did ever claim, because many acts of the like nature have passed heretofore upon less necessary occasions. The preservation of every government depends upon an exact adherence unto its principles; and the essential principle of the English monarchy being that well-proportioned distribution of powers, whereby the law doth at once provide for the greatness of the king, and the safety of the people; the government can subsist no longer than whilst the monarch, enjoying the power which the law doth give him, is enabled to perform the part it allows unto him, and the people are duly protected in their rights and liberties. For this reason our ancestors have been always more careful to preserve the government inviolable, than to favour any personal pretences; and have therein conformed themselves to the practice of all other nations, whose examples deserve to be followed. Nay, we know of none so slavishly addicted unto any person or family, as, for any reason whatsoever, to admit of a prince who openly professed a religion contrary to that which was established amongst them. It were easy to alledge multitude of examples of those who

self close to Lewis XIV. (to whom Dun-

have rejected princes for reasons of far less weight than difference in religion; as Robert of Normandy, Charles of Lorrain, Alphonso a desperado of Spain: but those of a later date, against whom there was no other exception than for their religion, suiteth better with our occasion. Among whom it is needless to mention Henry of Bourbon; who, though accomplished in all the virtues required in a prince, was, by the general assembly of the estate at Blois, declared incapable of succession to the crown of France, for being a protestant. And notwithstanding his valour, industry, reputation, and power, encreased by gaining four great battles; yet he could never be admitted king, till he had renounced the religion that was his obstacle. And Sigismund, son of John of Sweden, king of that country by inheritance, and of Poland by election, was deprived of his hereditary crown, and his children disinherited, only for being a papist, and acting conformably to the principles of that religion; though in all other respects he deserved to be a king, and was most acceptable to the nation^a. — — — Those who would see more on this debate, may read the tract from whence this is taken; the "Brief History of the Succession," contained in the same volume; and "Johnson's Julian;" with which, if he has leisure and inclination, he may compare "Hicks's Jovian." — — — It must not be omitted, "that the whole bench of bishops was against the bill of exclusion^b." Such useful members were they of the house of lords! such patrons of the protestant church in which they presided! and so great a concern had they for the happiness of the com-

^a State Tracts, vol. I. p. 177.

^b Burnet, vol. I. p. 482.

kirk was sold¹⁸ in an infamous manner);

munity in which they so largely shared honour and profit! However, they, it must be owned, remembered their creator.

¹⁸ He sold Dunkirk to the French king.] Charles assured the count d'Estrades, ambassador of France (who had complimented him, in his master's name, on his re-establishment in his dominions, and notified his desire of the duke of Orleans's marrying the princess of England)—“that he never desired any one's friendship so much as his majesty's: that he esteemed himself happy to know, by what he had told him, that his wishes were accomplished: and that if the emperor and all the kings of the world had asked his sister, he would have refused them all to have given her to Monsieur, for the very reason of being more nearly attached to his majesty's person: that he was pleased that his conduct was approved by him: and assured the ambassador, that, for the time to come, his majesty should have reason to be pleased^a.”—And good reason indeed, after this, he had to be pleased. For Dunkirk, acquired by Cromwell with glory, and deemed so important by the very house of commons who called home the king, that a bill was passed by them for annexing it to the imperial crown of this realm^b:—Dunkirk, I say, was sold to his most Christian Majesty for the sum of five millions of livres.—Some few extracts from the negotiators of this important affair may be acceptable, perhaps, to the reader, who has curiosity and taste for matters of this nature. Lord Clarendon, in a letter to the count d'Estrades,

^a D'Estrades' Letters and Negotiations, p. 107. 8vo. Lond. 1755.

^b Journal, Dec. 7, 1660.

whose mischievous schemes he adopted,

dated, Hampton Court, June 29, 1662, writes,——
“As I have frequently reflected upon several particulars of the sundry conferences we have had together; and finding a disposition in the king, my master, to give all sorts of proof of the desire which he entertains to bind still more the ties of friendship betwixt him and his most christian majesty; I have sent on this journey M. Bellings, whom you know to be a person in whom I confide, to communicate to you my sentiments: to whom I desire you to give credence, &c.”——But D'Estrades being set out on his journey as ambassador to Holland, Charles writ him a letter, dated July 27, 1662, from Hampton Court; in which observing that his letter might find him at Calais, he adds,——“for which reason, as I have a great many things to communicate to you, and to resolve upon an affair which the chancellor hath proposed to me, I wish you would, to oblige me, turn a little out of your road, and take this in your way^b.”——This affair was Dunkirk; in which, as we shall presently see, Clarendon was most concerned.——D'Estrades, in a letter to the French king, dated London, Aug. 21, 1662, says, “the chancellor [Hyde] told me it was pure necessity obliged his master to part with Dunkirk; and that he was not afraid to let me know this from the beginning, because he treated with me as one who is a friend to the king of England, and the minister of a great prince his ally, of whom he had no distrust; and that in both those characters he would own to me, there were four expedients to be taken in the business now proposed. The first, to treat with the

^a D'Estrades' Letters, p. 228.

^b Id. p. 229.

and helped to carry into execution. The

Spaniards; who, at this very time, offered any terms for that town: the second, with the Dutch; that offered for it an immense sum: the third, was to put it into the hands of the parliament; who would be at all the expence, and leave the king full as much master of it as at present: the fourth was, to bargain with your majesty: which last appeared to him more just and more agreeable to his majesty's interest, which was the reason he had made me the first proposal. But that after hearing what I offered, and which he had reported to the persons abovementioned [the duke of York, general Monk, lord Southampton, and lord Sandwich], and had met to come to some resolution; every body was surprized, and easily remembered, that when Cromwell had offered it at 500,000 crowns, it was exclusive of the artillery, stores, and the new works, which were to be paid for over and above: and upon this resolved rather to put the place into the hands of the parliament; because, that when it was known that it had been disposed of for so small a sum, the king could not but expose himself to reproach; or he, the chancellor, at least, might be liable to a public censure that might endanger even his life. That it was his opinion, rather to make a present of it to your majesty, and to leave the price to your own generosity; but that as this was not in his power to do, and he was so deeply concerned in conducting an affair of such delicacy, he was obliged to conceal his opinion, and to seem to agree with that of others, so as not to appear as the chief promoter of this treaty. That the most pressing argument which he made use of to prevail with them to consent, was, the supply of money which the king might draw from thence; and that

thereby he might discharge the debts he was obliged to be bound for in maintaining this place: but that my scanty offers had destroyed that motive, and shewed them that either we had no trade, no inclination to have Dunkirk; or that we put too small a value upon it²."—It may be well supposed so able a man as D'Estrades availed himself of such a conversation. His master had, he well knew, a great inclination to have Dunkirk; but he was desirous of having it as cheap as he could. A bargain, at length, however, was drove. The terms were advantageous on the side of France; and, for the trifling sum above-mentioned, the town, fortifications, artillery, and warlike stores, were put into her possession. What follows from the ambassador's letter to Lewis, dated London, Oct. 27, 1662, will not, it is presumed, be deemed unacceptable by the reader.—"At last," says he, "after several delays, and getting over several difficulties, I have signed the treaty of Dunkirk; and send it over to your majesty by this express. I ought not to omit, that the chancellor was the person, of all the others, who suffered most during the contest which was formed by all the council on this affair. The commissioners laboured most to break it off; and it may be said, that the reasons alledged were so strong, that the king of England and the duke of York would have been staggered, had he not taken great pains to keep them to their first resolutions. This was apparent to all the court; and from thence they took occasion to blame him as the sole author of the treaty. His enemies, and all the Spanish faction, have attacked his conduct on that score; and cry loudly against him, that as he had very impolitickly made the match with Portugal, before he

² D'Estrades' Letters, p. 245.

had secured the protection of France; so he had as imprudently parted with Dunkirk, without being assured of that strict friendship and union, which he boasted of would be procured with your majesty by the treaty in relation to that place. That when you once found yourself master of it, without any stipulation or particular engagement with England, you would think your civility nothing but mere courtesy, which would not embark you in any affairs. That as his own interest had made him engage in the business of the match, to be revenged of some bad treatment from the Spaniards, and out of fear of being supplanted by the Spanish faction in England; so out of a view to his own interest, by being supported by that of France, he had sacrificed the interest of the king his master, and had given up a place which, for the honour of England, and its importance to foreign nations, was more valuable than all Ireland.—There have been so many turnings and windings in this affair to oblige me to speak again and again so often to the king, the duke of York, and the chancellor, that it would be tedious to give your majesty an account of them; but I must still do them the justice to say, that their manner of treating was the most honourable I ever saw; and I do not believe there is an instance to be found in history, where, in a negotiation of 5 millions, or even a much smaller sum, one prince has been satisfied with the bare word of another for the payment of the money; especially being a prince but lately restored to his dominions, whose prerogative is but small, and the authority divided between him and a parliament. This uncommon procedure fully perswaded me that the king of England very earnestly desires to be in friendship with your majesty, and knows how useful it may be to him; and that the chancellor seconds and cherishes this dis-

first Dutch war, weakly begun, and with dishonour concluded; and the 'Triple

position for his own particular interest; and that it is for this sole reason, principally, that the duke of York goes to have an interview with your majesty at Dunkirk, to give you stronger assurances of this: and, I believe, he will be furnished by the chancellor with some informations, which may be of use at any such time as your majesty may form any designs in Flanders^a.—"The royal brothers and Hyde, we see, in the opinion of D'Estrades, were very good Frenchmen; and the chancellor merited the thanks Lewis returned him for his favour in this negotiation^b. If this man merited too at the hands of his country, on this occasion, it must have been by mere luck: for whether settlements on the continent are eligible for England, or not, was no part of the consideration with him: but how he could get most money for his master, and ingratiate himself with the king of France, who treated him, after all, in the time of his distress, but very scurvily for his pains. It was, however, a just reward for his iniquitous behaviour in this affair.—If the reader will be pleased to turn to lord Clarendon's own account of the sale of Dunkirk, he will find a very striking instance of his truth and sincerity. For notwithstanding all here written by D'Estrades, at the very time, and on the spot, the chancellor tells the world, that "he was averse to it: that the king [of France] sent M. D'Estrades privately to London to treat about it: that the business was first referred to a committee, and then to the privy council, where it was fully debated and agreed to, lord St. Alban's only dissenting: and that

^a D'Estrades' Letters, p. 285.

^b Id. p. 319.

League¹⁹, so well known, and so much talked of; may be thought exceptions to

whether the bargain was ill or well made, there could be no fault imputed to him; he having only, with some other lords, been appointed to treat for the sale, the matter having been deliberated and fully debated^a.” What belief is due to such a writer! Party-men may call him great and good; but the impartial enquirer into facts will be at a loss to know how he merited these characters.—It should not be omitted, “ that the advising and effecting the sale of Dunkirk,” was one article of impeachment against his lordship by the house of commons^b.

¹⁹ The first Dutch war—and—the Triple League.] It is not my design to enter into a minute detail of the one or the other of these remarkable events, as they may be found very particularly related in most of our histories. Suffice it here to say, that the aversion his majesty had to the Dutch; the hatred entertained against them by the duke of York; the desire of gain by the merchants; and the readiness of a pension-parliament to advance the necessary supplies; all concurred to engage in a measure which turned out greatly to the nation’s dishonour.—In his majesty’s “ declaration, touching his proceedings for reparation and satisfaction for several injurious affronts and spoils done by the East and West India companies, and other the subjects of the United Provinces^c,” he says, “ Whereas upon complaint of the several injuries done unto and upon the ships, goods, and persons of our subjects, to their grievous damages, and amounting to

^a Clarendon’s Continuation, vol. II. p. 383—391. ^b Journal, 6th Nov. 1667. ^c Fol. Lond. 1664, O. S. See also Temple’s Works, vol. I. p. 305.

this assertion ; as the one made a breach

vast sums ; instead of reparation and satisfaction which hath been by us frequently demanded, we found that orders had been given to De Ruyter not only to abandon the consortship against the pirates of the Mediterranean seas (to which the states general had invited us); but also to use all acts of depredation and hostility against our subjects in Africa. We thereupon gave order for the detaining of the ships belonging to the States of the United Provinces ; yet, notwithstanding, we did not give any commission for letters of marque, nor were there any proceedings against the ships detained, until we had a clear and undeniable evidence that De Ruyter had put the said orders in execution, by seizing several of our subjects ships and goods. But now finding that our forbearance, and the other remedies we have used to bring them to a compliance with us, have proved ineffectual—we have thought fit to declare to all the world, that the said states are the aggressors, &c." These reasons were not very extraordinary. For as to the injuries done to the merchants, they were old complaints, and in a way of accommodation : and the Dutch themselves had reason to complain of the taking of Cape de Verde, and some East India ships by the English ;—and, consequently, there was ground rather for arbitration than war. But the court was not to be diverted from it. It began with vigour, and was carried on with zeal on both sides. Many battles were fought with great bravery, in which the English, for the most part, were the conquerors. The French, with Denmark, pretended to come in in aid of the vanquished. They did, however, but little. At length the Dutch took a severe revenge : their fleet entered the Thames, and burnt part of the

between the two crowns, and the other gave

royal navy; to the no small mortification of their adversaries. This brought on a peace (which was concluded at Breda, in June, 1667); whereby the English were no great gainers.——Sir William Temple, in a letter to lord Arlington, dated Brussels, July 19, N.S. 1667, speaking “of the good news writ him by his lordship of the Dutch being beaten off at Harwich;” adds, “for since we are in a disease, every fit we pass well over is so much of good, and gives hopes of recovery. I doubt,” continues he, “this is not the last; for, I hear, De Witt is resolved that their fleet shall not give over action till the very ratifications of the treaty are exchanged: in which he certainly pursues his interest, that the war may end with so much the more honor abroad, and heart at home; for, commonly, the same dispositions between the parties with which one war ends, another begins. And though this may end in peace; yet, I doubt, it will be with so much unkindness between the nations, that it will be wisdom on both sides to think of another, as well as to avoid it. All discourse here is of the peace as a thing undoubted; and every pacquet I receive from England confirms me in the belief that a war abroad is not our present business, till all at home be in better order; no more than hard exercise, which strengthens healthy bodies, can be proper for those that have a fever lurking in the veins, or a consumption in the flesh; for which rest, and order, and diet are necessary, and, perhaps, some medicine too, provided it come from a careful and a skilful hand. This is all I shall say upon that subject; which, I presume, has before this received some resolution by my lord ambassador Coventry’s arrival: for, I confess, my stomach is come

a check to the French conquests in Flan-

down; and I should be glad to hear the peace ended, and our coasts clear, since it will not be better: but all this while, *multa gemens ignominiam plagasque superbi hostis*; and, I am sure, would not desire to live, unless with hopes of seeing ourselves one day in another posture; which God Almighty has made us capable of, whenever we please ourselves ^a."—A war of this nature, carried on with so much spirit and resentment, by nations whose real interest was very different from that of France, could not but give her much pleasure. " For France had an interest either to dispose us to so much good will, or, at least, to put us into such a condition that we might give no opposition to their designs: and Flanders being a perpetual object in their eye, a lasting beauty for which they have an incurable passion, and not being kind enough to consent to them, they meditated to commit a rape upon her, which they thought would not be easy to do, while England and Holland were agreed to rescue her whenever they should hear her cry out for help to them. To this end they put in practice seasonable and artificial whispers, to widen things between us and the States. Amboyna and the fishery must be talked of here; the freedom of the seas, and the preservation of trade, must be insinuated there: and there being combustible matter on both sides, in a little time it took fire, which gave those that kindled it sufficient cause to smile and hug themselves, to see us both fall into the net they had laid for us. And it is observable, and of good example to us if we will take it, that their design being to set us together at cuffs to weaken us, they kept

^a Temple's Works, vol. I. p. 299.

ders: but it is well known, that, as the

themselves lookers-on till our victories began to break the ballance: then the king of France, like a wise prince, was resolved to support the beaten side, and would no more let the power of the sea, than we ought the monarchy of Europe, to fall into one hand. In pursuance of this he took part with the Dutch, and in a little time made himself umpire of the peace between us^a."

—Another writer of the same age observes, that "after several propositions of leagues, and many arts used to raise jealousies between us and the Hollanders (dreading nothing more than a durable and firm friendship between two nations, who, if united, might easily set what bounds they pleased to their ambition), they at last sided with the Dutch, though with no other intention than to see us destroy each other; or, at least, so far weaken and exhaust ourselves, that they might with less opposition invade their neighbours and increase their naval strength: nay, their policy went further; and in the very heat of the war they still kept negotiations on foot, and made overtures and proposals of peace by means of the late queen mother: whom in the end they deceived so far, as to assure her (and by her his majesty), that the Dutch would set no fleet out (that summer the peace was concluded), whilst underhand they pressed the Dutch, with all the vigour and earnestness imaginable, to fit out their ships, with a promise of joining theirs to them. Upon this parole of the French court, 'tis too well known, we had no fleet out, as well as what followed upon it when the Dutch, meeting with no opposition, entered into the river of Chatham; so that

^a Halifax's Miscellanies, p. 141.

former was advantageous to France, by

though the French had no other hand in it, they had been still the true cause of that unhappy accident: but, withal, it is more than probable they were themselves the authors of that counsel; and most certain it is they knew of the design before the attempt was made^a."

—Such were the sentiments of the most intelligent Englishmen on this affair. The Dutch—many of them—reasoned in the same manner.—"There are others," says Sir William Temple, speaking of the Hollanders, "that lay the war upon the conduct of France, by which, they say, we were engaged in it: that the present king was resolved to pursue the old scheme laid by cardinal Richlieu, of extending the bounds of France to the Rhine; for which ends, the conquest of Lorrain and Flanders was to be first atchieved. That the purchase of Dunkirk from us was so violently pursued for this end, without which they could not well begin a war upon Flanders. That after this, they had endeavoured to engage the present ministry in Holland to renew the measures once taken, in cardinal Richlieu's time, for dividing Flanders between France and Holland: but not succeeding in it, they had turned all their intrigues to engage us in a war, which might make room for their invasion of Flanders; whilst the two neighbours, most concerned in its defence, should be deep in a quarrel between themselves. That they made both parties believe they would assist them, if there were occasion; and would certainly have done it. That as they took part with Holland upon our first successes at sea, and the bishop of Munster's treaty; so, if the successes had been great on the Dutch

^a State Tracts, vol. I. p. 8.

weakening the powers most capable of,

side, they would have assisted us in order to prolong the war^a." This is pretty true, I believe. From D'Estrades' negotiations at this period, in Holland, it appears, that the king of France was meditating his seizure of Flanders: that the pulse of De Witt was felt on that head: that, to render him and the States General favourable to this design, great professions of friendship were made to them: that when the differences between them and the English terminated in a war, Lewis long balanced on which side to declare. It moreover appears, that the said monarch was not very well affected to the Dutch; but that, to hinder their total overthrow, and the aggrandisement of the English thereby, he at length pretended to give them the assistance which, by a former treaty, they had a right to claim. Of this declaration in their favour he, however, determined to avail himself. He got ships of war built for him in Holland at a cheap rate: he supplied himself from thence with military stores and ammunition: in a word, he now laid the foundation of that naval force which we have had so much trouble to destroy. But the Dutch reaped little advantage on their side by his coming into the war: the French kept themselves out of harm's way, on various pretence; and refused to aid their ally in the most imminent danger.

D'Estrades, in a letter to the king, Aug. 5, 1666, says, "The letter Monsieur Van Beuningen wrote this post to the Sieur De Witt, makes him very chagrin. It contains, that he had spoken to your majesty, in the name of the states, to demand twelve fireships, and to

^a Temple's Works, vol. I. p. 309.

and most interested in, opposing her ambi-

raise some seamen in your majesty's maritime towns to put aboard the fleet in the room of soldiers, of whom they have enough, which your majesty have received. That he afterwards demanded the two fireships that are of Denmark, and very near their fleet which is in sight of the English, and could not obtain them: that the next day he wrote to Monsieur De LIONNE, in very pressing terms, to desire him to back his demand of the two fireships with the king; to which he received no answer: that being thus refused, he could not but be mightily concerned to find his masters exposed to maintain by their arms alone the war against the enemy, who had made so great an effort: that they might judge, by that, whether they ought to expect to be joined by your majesty's fleet, since two useless fireships, six leagues from the place where the combat was to be, were refused: that he was amazed to find their interests were so little considered in France, as to let occasions slip of pulling down the common enemy. — That, reflecting on these things, he thought it was for his masters interests, and that he was bound in duty to give them notice of it, that they might take their measures before they were undone^a. — Indeed the whole conduct of France (who did nothing for the Dutch, setting aside the troops sent to their aid against the bishop of Munster, for which she was fully paid) excited no sentiments in her favour in the minds of the people of Holland. This we may fully learn from D'Estrades' letter to the king, dated, March 31, 1667; in which, among other things, he writes as followeth: — “ That which gives me the most trouble is, to find

^a Letters and Negotiations, vol. II. p. 560. 8vo. Lond. 1711.

tious views ; so the other was but of a very

the people in general so inclined to receive wrong impressions of France and the present government. No endeavours have been wanting to set them right in that particular ; and if they were capable of judging their own interest, the reasons contained in your majesty's letter would be sufficient to undeceive them. But they are so obstinately blind, and so foolish, as to believe your majesty's principal design is to watch your opportunity, and conquer them as soon as you have made sure of Flanders. It is not M. De Witt, nor the men of sense among the States that believe this ; but the generality of the people, and the magistrates in the particular towns, whose ordinary conversation runs upon nothing else. I am daily endeavouring to silence these false reasoners with arguments the most solid and effective ; such as, the many obligations your majesty has conferred upon the states ; the auxiliary troops sent into Holland ; the peace with the bishop of Munster ; the rupture with England ; the great expences your majesty had been at ; and the diligence used to have a fleet at sea able to assist them powerfully this campaign. To this I added, that their apprehensions were no better than ill-grounded conceptions and real falsehoods ; but that my allegations were true in fact, and that they enjoyed the effects of them for these twelve months past^a.—It was not long, however, before De Witt talked to the ambassador himself in the same strain.—“ I have been,” says D'Estrades, in his letter to his master, dated May 19, 1667, “ with M. De Witt.—He told me, he was mightily surprized to understand your majesty was

^a Letters and Negotiations, vol. III. p. 90. 8vo. Lond. 1711.

short continuance. For Lewis being angry with the Dutch, determined to take a severe revenge: and, in concert with Charles, pro-

upon the point of marching to the frontier; and that at the same time that you was setting forth the queen's right to the States: that your majesty had often assured M. Van Beuningen, that you would undertake nothing without their participation; and yet, without so much as giving them time to examine the validity of your pretensions, you execute your designs at the same time that you acquaint the States with them, which is contrary to the opinion the States had that your majesty would act in this particular with greater confidence towards them, allowing them a reasonable time between the advice and execution: that he hoped your majesty would have explained yourself, either to the States or to him, what places or countries you would be contented with, that a stop might be put to the flame that is breaking out in all parts of Christendom: that he had offered before, and is still ready, to use his interest with the Spaniards to perswade them to an accommodation; and he was in hopes of succeeding, if he had time to manage the towns, and obviate the jealousies they are under of your majesty's entry into the Low-Countries during the treaty of peace, which convinces all the world that your majesty is agreed underhand with the English:" to which he added, "They have long observed your majesty's affection to the States to be grown cooler, and that every thing has been practic'd in France that could contribute to the ruin of their trade, by imposing heavy customs upon all Dutch manufactures, and by trying all ways to entice their workmen into France, from

jected the conquest of the United Provinces. This brought on ²⁰ a second war with Hol-

whence however several of them have returned without finding the encouragement they expected ^a.”— These remonstrances had no effect. The king marched in person, in a short time after, at the head of an army of 35,000 men, commanded by Turenne; besides two other bodies, under the conduct of D'Aumont and Crequi. His progress was rapid. All places fell before him: nor were the Spaniards capable of making any considerable resistance. The neighbouring states took the alarm: nothing was heard but execrations on the French king. His perfidy; his ambition; and the danger all near him were in, from his daring acts of violence; were become the talk of most nations. The Triple League between England, Sweden, and Holland, was now formed; which saved Flanders, in some measure, for a time, by inducing the French to agree with Spain, and restore part of their conquests, by the peace of Aix-la-Chapelle, May 2, 1668.—Thus did Charles, with honour to himself, with satisfaction to his people, and the applause of his allies ^b, in some measure, atone for his impolitic steps in commencing and conducting the Dutch war; whereby the two contending nations were weakened, and France had an opportunity of meditating, and, in part, executing those mighty schemes of ambition which since have proved so fatal to herself and her neighbours.—How long his majesty continued thus to act, will be seen in the following note.

²⁰ The second Dutch war, engaged in by Charles,

^a Letters and Negotiations, vol. III. p. 156. 8vo. Lond. 1711.
Temple's Letters, Jan. 28, 29, July 22. 1668,

^b See

land, which was like to have terminated in

went near to ruin that republic, and the liberties of Europe.] It appears from D'Estrades, that the Triple League gave great offence to the French: and that though, for the present, they said little publicly; they harboured thoughts of revenge against Holland, which so unexpectedly and suddenly had united with their common enemy.—“As for the ill proceedings of these people here,” says he, “there is sufficient ground to make them doubly and certainly feel their effects when the peace is made. I know their weakness as well as any man, and on what side they are to be taken when the king pleases: but this is not the time².”—M. de LIONNE, in his letter to D'Estrades, dated March 2, 1668, tells him, “that he had two hours discourse with Van Beuningen [the Dutch ambassador]: that he had told him only as his private opinion, without any order from the king to say it to him, that he would have engaged his head for it, that the peace would infallibly have been concluded on the conditions of one of the two alternatives, if the league at the Hague had not been made; but that this league having given the world a prospect which might make it judge that all that the king had done only from his own inclination, and to acquire the glory of moderation, which at present is the only thing which remains to be gotten, he would at present do it, as it were by force, for fear of the said league; which appeared,” continues he, “so hard to a prince of the king's humour, who prefers his glory to all other considerations, that I could not say any thing more of it. And, indeed, I cannot be sufficiently surprized, considering the prudence of those engaged in this negotiation, that they did not, as it

² Letters and Negotiations, vol. III. p. 525. 8vo. Lond. 1711.

the destruction of that republic, and the

were, bury in the secret articles, as well as the third of the said articles, all that might seem imperiously to prescribe a law to the king, or the conduct he is to chuse, that if he will not, that they will make him do it by force ; as is expressed in the place where it is said, that his majesty shall not any longer use his arms in Flanders, nor even receive the places which would surrender to him^a.—We may well enough therefore believe Voltaire, when he tells us, “ that Lewis XIV. was filled with indignation to behold such a little state as Holland forming designs to set bounds to his conquests, and be the arbiter of kings : and his indignation was increased, when he found that this little state was able to do this. Such an enterprise of the United Provinces was an outrage he could not bear, though he affected to disregard it : and from that time he meditated revenge^b.”—Agreeably hereunto lord Halifax, who was well acquainted with the affairs of this reign, observes, “ that the peace of Aix-la-Chapelle was a forc'd put ; and though France wisely dissembled their inward dissatisfaction, yet from the very moment they resolved to unty the triple knot whatever it cost them. For his Christian majesty, after his conquering meals, ever rises with a stomach : and he liked the pattern so well, that it gave him a longing desire to have the whole piece. Amongst the other means for the attaining this end, the sending over the duchess of Orleans was not the least powerful. She was a very welcome guest here ; and her own charms and dexterity, joined with other advantages that might help her persuasions, gave her such an ascendant that she could hardly fail

^a Letters and Negotiations, vol. III. p. 548. 8vo. Lond. 1711.

of Lewis XIV. vol. I. p. 116.

^b Age

liberties of Europe. The nation, here-

of success. One of the preliminaries of her treaty, though a trivial thing in itself, yet was considerable in the consequence: as very often small circumstances are, in relation to the government of the world. About this time a general humour, in opposition to France, had made us throw off their fashion, and put on vests, that we might look more like a distinct people, and not be under the servility of imitation, which ever pays a greater deference to the original than is consistent with the equality all independent nations should pretend to. France did not like this small beginning of ill humours, at least of emulation; and wisely considering that it is a natural introduction first to make the world their apes, that they may be afterwards their slaves; it was thought that one of the instructions madam brought along with her, was to laugh us-out of these vests: which she performed so effectually, that in a moment, like so many footmen who had quitted their masters livery, we all took it again, and returned to our old service. So that the very time of doing it gave a very critical advantage to France, since it looked like an evidence of our returning to their interest as well as to their fashion; and would give such a distrust of us to our new allies, that it might facilitate the dissolution of the knot, which tied them so within their bounds that they were very impatient till they were freed from the restraint. But the lady had a more extended commission than this; and, without doubt, she double-laid the foundation of a new strict alliance, quite contrary to the other in which we had been so lately engaged. And of this there were such early appearances, that the world began to look upon us as falling into apostacy from the com-

upon, was alarmed. The views of the court

mon interest. Notwithstanding all this, France did not neglect, at the same time, to give good words to the Dutch, and eyen to feed them with hopes of supporting them against us; when, on a sudden, that never-to-be-forgotten declaration of war against them comes out, only to vindicate his own glory, and to revenge the injuries done to his brother in England; by which he became our second in this duel. So humble can this prince be; when at the same he does us more honour than we deserve, he lays a greater share of the blame upon our shoulders than did naturally belong to us^a.—All this, for aught appears to the contrary, is truth: but as it was written and published in the time of Charles, it does not contain the whole truth. We will, therefore, supply its defects from Voltaire; who speaks very openly of the views and designs of his hero.—“The king [Lewis]” says he, “matured his great design of a conquest of the Low Countries, which he intended to commence by that of Holland.—The first thing necessary to be done, was to detach England from its alliance with Holland. The United Provinces being once deprived of this support, their destruction appeared inevitable. Lewis XIV. did not find it difficult to engage Charles II. in his designs. The English king had not, indeed, shewn himself very sensible of the dishonour which his reign and nation had received in the burning of his ships, even in the Thames, by the Dutch fleet. He breathed neither revenge nor conquests. His passion was rather to enjoy his pleasures, and reign with a power less con-

^a *Miscellanies*, p. 142. See also *Ramsay's Life of Turenne*, vol. I. p. 360. 8vo. Lond. 1735.

were penetrated: and the king, sorely

strained: and to flatter this disposition, therefore, was the most effectual way to seduce him. Lewis, who to have money then needed only to speak, promised a great sum to king Charles, who could never get any without the sense of his parliament. The secret treaty concluded between the two kings was imparted, in France, only to Madame, the sister of Charles II. and wife of Monsieur, the kings brother; to Turenne; and to Louvois.—The princess Henrietta embarked at Calais to see her brother, who was at Canterbury to receive her: and Charles, being seduced by his friendship for his sister, and the money of France, signed every thing Lewis desired; and prepared the destruction of Holland in the midst of pleasures and diversions. The loss of Madame, who died suddenly, and in an extraordinary manner, soon after her return, raised some suspicions prejudicial to Monsieur; but they caused no change in the resolutions of the two kings. The spoils of the republic, which was to be destroyed, were already divided, by the secret treaty between the courts of France and England, in the same manner as Flanders had been divided with the Dutch in 1635.—It is singular, and deserves to be remarked, that among all the enemies, which were going to fall upon this little state, there was not one who had any pretence for a war.—The States General, in a great consternation, wrote to the king, humbly intreating his majesty to tell them, whether the great preparations he was making were really destined against them, his antient and faithful allies? wherein they had offended? and what reparation he expected? He replied, that he should employ his troops in such a manner as his dignity might demand, which did not require him to

against his inclinations, was obliged to

give an account of it to any one. All the reason given by his ministers was, that the Dutch Gazette had been too insolent; and because Van Beuning was said to have struck a medal injurious to Lewis XIV.—The king of England, on his side, reproached them with disrespect in not directing their fleet to lower their flag before an English ship: and they were also accused in regard to a certain picture, wherein Cornelius de Witt, brother of the pensionary, was painted with the attributes of a conqueror. Ships were represented, in the background of the piece, either taken or burnt. Cornelius De Witt, who had really a great share in the maritime exploits against England, had permitted this trifling memorial of his glory; but the picture, which was in a manner unknown, was deposited in a chamber wherein scarce any body ever entered. The English ministers, who presented the complaints of their king against Holland in writing, therein mentioned certain abusive pictures. The States, who always translated the memorials of ambassadors into French, having rendered abusive, by the words *fautifs, trompeurs*; replied, that they did not know what these roguish pictures (*ces tableaux trompeureux*) were. In reality, it never in the least entered into their thoughts, that it concerned this portrait of one of their citizens; nor did they ever conceive this could be a pretence for declaring war.²."

—All this would seem very incredible, if we had not Lewis's letter to the States General, and the declarations of the two kings against them to authenticate it. In the first of these pieces the haughty monarch says, "We shall tell you, that we shall augment our

² Age of Lewis XIV. vol. I. p. 122—126.

make a separate peace with the States of

preparations by sea and land: and when they shall be in the posture we have designed them, we shall make such use of them as we shall conceive suitable to our dignity, whereof we are not obliged to give any man an account^a.”—This letter is dated from St. Germain en Laye, Jan. 6, 1672; a day remarkable in England for the order made in council for shutting up the exchequer, under pretence of the necessity of providing for the safety of the government! The war now was determined; and the Dutch Smyrna fleet was attacked, though unsuccessfully, before any declaration of war. The declaration, however, soon followed. Charles in it reproached the Dutch with the wrongs done by them to his subjects in the East and West Indies; and then proceeds to say, “ It is no wonder that they venture at these outrages upon our subjects in remote parts, when they dare be so bold with our royal person, and the honour of this nation, so near us as in their own country, there being scarce a town within their territories that is not filled with abusive pictures, and false historical medals and pillars, some of which have been exposed to the publick view by command of the States themselves, and in the very time when we were joined with them in united counsels for the support of the Triple League, and the peace of Christendom.” But that the people might be amused, it was declared, that his majesty was forced to have recourse to arms, by considerations nearer to him than what only related to himself: the safety of trade; the preservation of his people abroad; and the insolence of the Hollanders in refusing to strike their flag to him; and the affronts

^a Fol. Lond. 1672.

Holland. The war, however, between them

offered by them in his very ports. This was published March 17, 1672, N. S.—On the 6th of April following was emitted the most Christian king's declaration : in which he says, “ The dissatisfaction he hath in the carriage of the States General towards him, for some years past, being come to that point that he cannot longer, without diminution to his own glory, dissemble the indignation raised in him, by a treatment so unsuitable to the great obligations which himself, and the kings his predecessors, had so liberally heaped upon them ; he hath declared, and doth declare, that he is determined to make war against the said States.” No remarks need be made on this conduct of Lewis : it was suitable to his whole life ; which was one continued scene of tyranny at home, and oppression and insolence abroad, as long as he had it in his power. Such a prince may be flattered and extolled by men destitute of virtue, to serve the purposes of their own passions : but the wise, the humane, and the benevolent, of whatever nation under heaven, will execrate his memory, and rank him with the most odious of monsters.—As to Charles, who had so wantonly, unjustly, and impolitely begun the war, he did every thing in his power to convince the nation of its justice and necessity. In his speech to both houses of parliament, Feb. 5, 1673, N. S. he said, “ Since you were last here, I have been forced to a most important, necessary, and expensive war ; and I make no doubt, but you will give me suitable and effectual assistance to go through with it. I refer you to my declaration for the causes, and, indeed, the necessity of this war ; and shall now only tell you, that I might have digested the indignities to my own person, rather than have

and France continued: and the preserva-

brought it to this extremity, if the interest as well as the honour of the whole kingdom had not been at stake: and if I had omitted this conjuncture, perhaps, I had not again ever met with the like advantage."

—The lord chancellor, Shaftesbury, one of the cabal so infamous in our histories, backed his majesty; and, among other things, observed, " that both kings, knowing their interests, resolved to join against them [the Dutch], who were the common enemies to all monarchies; and especially to ours, their only competitor for trade, and power at sea; and who only stand in their way to an universal empire as great as Rome. This the States understood so well, and had swallowed so deep, that under all their present distress and danger, they are so intoxicated with that vast ambition, that they slight a treaty and refuse a cessation. All this you and the whole nation saw before the last war: but it could not then be so well timed, or our alliances so well made. But you judged aright, that, at any rate, *delenda est Carthago*, that government was to be brought down. And, therefore, the king may well say to you, 'Tis your war. He took his measures from you, and they were just and right ones; and he expects a suitable assistance to so necessary and expensive an action: which he has hitherto maintained at his own charge, and was unwilling either to trouble you, or burden the country, until it came to an inevitable necessity. And his majesty commands me to tell you, that unless it be a certain sum, and speedily raised, it can never answer the occasion.—Let me say, the king has brought the States to that condition, that your hearty conjunction, at this time, in supplying his majesty, will make them never more formi-

tion of the former was owing to the spirit

dable to kings, or dangerous to England. And if after this you suffer them to get up, let this be remembred, the States of Holland are England's eternal enemy, both by interest and inclination^a.—What amáz-ing impudence is here! To tell the parliament it was their war, when, by reason of several prorogations, they had not sat for near ten months; and, consequently, were incapable of giving their consent or approbation: I say, under these circumstances, to call it their war; and to tell them, the king took his measures from them, was a strain worthy Shaftesbury himself.—But ministers of state, as they engross the power, seem to think they engross the sense too of the community; and that they may talk what they please without fear of their auditors. It is, however, a gross mistake: there are standers-by, much their superiors, who remark their behaviour; and take care to expose it, properly, to posterity.—In Dryden's Absalom and Achitophel, there are many portraits which bear no resemblance to the originals: but Shaftesbury's seems taken from life.—Compare the following lines with the above speech, and then, reader, determine:

“ In friendship false, implacable in hate ;
 Resolved to ruin or to rule the state.
 To compass this, the triple bond he broke ;
 The pillars of the publick safety shook ;
 And fitted Israel for a foreign yoke :
 Then, seiz'd with fear, yet still aff'cting fame,
 Usurp'd a patriot's all-atoning name.”

There is another picture of him in the Medal, part of which I will here add :

^a Journal of the House of Commons.

and bravery of the prince of Orange, aided

“ Behold him now exalted into trust ;
His counsels oft convenient, seldom just,
E'en in the most sincere advice he gave,
He had a grudging still to be a knave.
The frauds he learnt, in his fanatick years,
Made him uneasy in his lawful gears :
At best, as little honest as he cou'd :
And, like white witches, mischievously good.
To his first biass, longingly, he leans ;
And rather would be great by wicked means.
Thus, fram'd for ill, he loos'd our triple hold ;
(Advice unsafe, precipitate, and bold) ;
From hence those tears ; that Ilium of our woe :
Who helps a pow'rful friend, fore-arms a foe.
What wonder if the waves prevail so far,
When he cut down the banks that made the bar ?
Seas follow but their nature to invade ;
But he, by art, our native strength betray'd.”

To return.—As it appears, from his majesty's declaration, and lord Shaftesbury's speech, that the Dutch were to be rendered odious, that the war might be popular ; so the court employed able pens to accuse, expose, and exaggerate what had been done by any of that nation, in any time, or any part of the world. Let us hear Henry Stubbe on this subject.—“ I should injure Christendom,” says he, “ to reckon the United Netherlands a part thereof. Such are their practices, that 'tis a crime in them to profess that religion, and a great mistake in those that entitle them thereunto. I know not whether I do not speak too mildly concerning those deluded persons, since 'tis a wilful error in them that imagine so : the Dutch themselves have avowed it ; and those that have managed their trade in Japan, when the Christians there (at the instigation of the Dutch) were all, by horrible tortures, put to death, and every housekeeper enjoined to declare

by the neighbouring powers: who yet were

in writing that he neither was a Christian nor retained any Christians in his family; Melchior à Santvoort, and Vincentius Romeyn, subscribed themselves, that they were Hollanders: most impiously, for lucre's sake, declining that profession of Christianity to which Christ and his apostles oblige them^a.—"We do complain," says he, in another place, "that these Netherlanders, who do so highly pretend to piety and protestancy, should violate all divine and humane rules of civility; that they rail instead of fighting; that they attack us with contumelious language; and aggravate their unjust enmity with an insolence that is not to be endured. I am as much perplexed to find out the rules of their politicks herein, as I am elsewhere to seek for those of their religion; seeing that this deportment must needs exasperate all mankind against them, and common humanity obligeth every one to endeavour their extirpation. Provocations of this kind, injuries of this nature, admit of no composition, and render the most bloody wars to be most just. The indignities done to our king do extend unto all princes, and become examples of what they universally must expect in time to suffer from the continuance of their High and Mighties. But these affronts particularly and most sensibly touch the subjects of the king of Great Britain, and turn their just anger into implacable fury^b.—"As to their religion, we could never be convinced that the Hollanders did regard any. Their first revolt was not founded on any such principles: they patiently endured the suppres-

^a Justification of the War against the United Netherlands, p. 2. 4to. Lond. 1672. ^b Id. p. 5.

in a manner forced to aggrandize France,

sion of their churches and ministers: the country did not stir thereat; nor upon the execution of so many thousand protestants.—It is notorious, that the exactation of the tenth penny, by the d. of Alva, did more exasperate them than the inquisition.—If we look upon them in their more flourishing condition; all religions are tolerated there as well as protestants, even such as are most repugnant to the Deity and gospel of Christ. Their actions are regulated by principles of state; and upon those grounds do they invite and encourage all sects to live in their territories. When their interest doth sway them, they desert or fight against protestants^a.—It is very amazing that all this should fall from the pen of a learned, unbigotted, if not sceptical man! But, it seems, that there were then, as well as now, authors, by profession, who, for the sake of gain, would undertake to vindicate any cause.—“For the compiling of these two books,” says Wood, “the author was allowed the use of the Paper Office at Whitehall; and when they were both finished, he had given him 200*l.* out of his majesty’s exchequer; and obtained a great deal of credit from all people, especially from the courtiers, and all that belonged to the king’s court^b.”—A poor reward, however, for such infamous service! Another writer, engaged on the same side of the question, averred, “That his majesty of Great Britain, and the most Christian king, of all princes in Europe, have most studied and endeavoured (for the good of their subjects) to advance trade and commerce; yet

^a Further Justification, p. 75. 4to. Lond. 1673.
c. 567.

^b Athenæ, vol. II.

by the cessions made at the treaty of

their subjects cry out, they have no trade: and well they may, when the Hollanders are the great supplanters of trade, and obstructors of commerce (to all others but themselves) in the world. And no wonder; for it is a prime principle of their state, that they must not be the joc-caul, which provides food for the lyon; but they must imitate the prudent cat, who mouses only for itself. Nothing can be more becoming the majesty of two such potent kings, not only out of charity to deliver the distressed Dutch (an industrious and well-meaning people of themselves) from the tyranny and oppression of those insolent States; but out of piety towards God, to settle peace in Christendom (which is only by the power of these two great kings to be effected); and to which all kings and princes are obliged to contribute their assistance. For let it be soberly considered, if these men (if we may so call them), since the revolt from their prince, have not made greater distempers and confusions, and caused more effusion of blood, and expence of treasure, in Europe, than the great Turk hath done for these 500 years. And as they are more powerful by sea, so they are much more dangerous in their practice. For the Turk is a prince who, with all potentates, doth exactly observe his leagues and keep his faith: but it's an apophthegm in their state, that it's for kings and merchants to keep their word and faith; but for states, no longer than it's subservient to their interest. And how exactly they make this good in their actions, I appeal to all the kings and princes in Europe, if ever they kept one article, or their faith, in any thing where it was their interest to break it. Certainly these men live, as if great sins would merit heaven, by an anti-

Nimeguen, carried on under the mediation

peristasis: and it's very well becoming the gravest judgments to consider, if these men may not prove in a short time a greater terror and plague to Christendom than the Turk himself: insomuch as his arms are at a great distance, and only land-forces; but these men are seated in the centre of Europe, and being so potent at sea, and rich in treasure, may cast an army, and, with that, blood and confusion into any princes dominion whom they please to disquiet (especially being first reduced to poverty, which they labour to effect in all their territories by obstructing trade); and they can more speedily and powerfully offend any kingdom by sea in one month, than the most puissant army is able to march through in a year^a. —— But all this had no effect on the nation, who abhorred the war, and dreaded more their ally than their enemy. This abundantly appears from the writings of these times, as well as from Grey's Parliamentary Debates; from the latter of which I will transcribe some paragraphs, which will enable the reader to form some judgment of the disposition of the nation. —— In a grand committee, Oct. 31, 1673, when the subject to be debated was money for carrying on the war, many very bold truths were uttered, and reflexions made on the authors of it, as well as the manner in which it had been conducted. — “The war at the first,” said Mr. Boscawen, “was against the advice of the whole body of the merchants, only some particular men that had losses. — Thinks the peace a good peace, and the Triple League much for the satisfaction of the nation. — Some trifling injuries were done to the mer-

^a *The Dutch Usurpation*, by William de Britaine, p. 32. 4to. Lond. 1672.

of Charles, who greatly favoured her views

chants at Surinam ; as if a man, with a flea on his forehead, would strike it off with a beetle.—Would make use of that vote, that we might have a peace.” Sir William Coventry observed, “ That it is said, that the king cannot go off with honour from his alliance with France : and what then shall we say of the triple alliance, that the peace of Christendom was so much concerned in, so solemn as to be sworn to by the king of France, and registered in the parliament of Paris by that king’s command ; but yet renounced by him, because not consistent with the good of his people. Munster made a war with our money ; it was not for the good of his subjects, it seems, and he made peace with Holland.—The same did Brandenburgh.—The king of France, by the Pyrenean treaty, was not to assist the king of Portugal ; it was not for the good of his people, and he broke that treaty. Princes have ever done it for the good of their people ; and if we live by another rule than they do, we shall have the worst of it. Now has the king of France kept treaty with us, as is said ? Knows not what the private articles were ; but surely they were made unfortunately, that we should have no share in this conquest.—Has he kept his word with us ? He was to send thirty ships for our sixty ; had that conjunction been as it should be, they would have fought.—Has heard but of two captains killed in the French fleet, and one died of an unfortunate disease (the pox).—Thinks we had no advantage by their company. One unfortunate gentleman did fight (Martel) ; and because that gentleman said (as he has heard) that the French did not their duty, he is clapped up into the Bastile. His own squadron, he said, deserted him ; his captains said, upon secret orders

and pretensions.—Not content herewith,

which they had. D'Estrees sent positive orders not to fight, unless by word of mouth, or by writing: and if that man that brought them had been knocked on the head, no orders could have been had; no regard to be had to prince Rupert's signals (which is the custom at sea). D'Estrees must, by a council of war, know whether the prince's orders were good or no.—Could a fleet, coming with such orders, ever be serviceable to us? Thinks it better we had no fleet.—Thinks not so highly of the Dutch, nor so meanly of ourselves, but that we may do well without the king of France.—An indifferent casuist will say, having been so used, that we are absolved from an alliance so ill maintained.—The interest of the king of England is to keep France from being too great on the continent; and the French interest is to keep us from being masters of the sea.—The French have pursued their interest well.—Martel has fought too much, or said too much, which is his misfortune.—Moves to insert in the question, ‘Unless it shall appear that the obstinacy of the Dutch shall make a supply necessary.’—Accordingly it was resolved, “That this house, considering the present condition of the nation, will not take into any further debate, or consideration, any aid or supply, or charge upon the subject, before the times of payment of the eighteen months assessment, &c. [granted last session] be expired: unless [it shall appear that] the obstinacy of the Dutch [shall] render it necessary; nor before this kingdom be effectually secured from the dangers of popery, and popish counsels and counsellors; and the [other] present grievances be redressed^a.”—Such were the politics of the court.—

^a Grey's Parliamentary Debates, vol. II. p. 211.

he, neglecting his own, studied how

I need not enter into a detail of the battles by sea and land, which were fought between the parties engaged. He must be very ignorant in our history, who knows not the amazing rapidity of the French conquests; the deplorable condition of the Dutch in consequence of them; the dismal apprehensions the emperor, the empire, and Spain had for their own and the common liberty; their entering into the war in defence of the States; the heroism of the young prince of Orange in defence of his country; and the separate peace between England and Holland, as well as the general one concluded at Nimeguen under Charles's partial mediation. Such, however, as are unacquainted with these matters, may get full information from Sir William Temple's works. — I will conclude this note with the sentiments of lord Bolingbroke; which, by what has been and will farther be said concerning Charles, will, probably, appear to be just and pertinent. "What did he [Charles II.] mean? Did he mean to acquire one of the seven provinces, and divide them, as the Dutch had twice treated for the division of the ten, with France? I believe not. But this I believe, that his inclinations were favourable to the popish interest in general; and that he meant to make himself more absolute at home: that he thought it necessary, to this end, to humble the Dutch; to reduce their power; and, perhaps, the form of their government: to deprive his subjects of the correspondence with a neighbouring, protestant, and free state; and of all hope of succour and support from thence in their opposition to him: in a word, to abet the designs of France on the continent, that France might abet his designs on his own kingdom. This, I say, I believe; and this I should venture to affirm, if I had in my hands to pro-

to perfect and increase the navy of
duce, and was at liberty to quote, the private relations
I have read formerly, drawn up by those who were no
enemies to such designs, and on the authority of those
who were parties to them. But whatever king Charles
II. meant, certain it is, that his conduct established
the superiority of France in Europe^a.—The follow-
ing part of a letter, from a learned friend, which I re-
ceived since the writing the above note, will, I sup-
pose, be deemed curious and important by most of my
readers; as it contains an authentic account of this re-
markable alliance between the two crowns.—“I, this
morning,” says he, “heard read, a letter of Mr.—
to lord —; in which he writes, That, after some
difficulty, he had been permitted to see K. James’s
Memoirs: that they consist of 14 thin folio volumes:
that they are not digested into one continued narration,
but are rather a relation of particular parts of the
history of the times. That he had read the account of
the famous private league with France, which is told
at large. That by it the king of France was to allow
Charles 200,000 a year, and the assistance of 6000
men in case of any disturbance at home. That the
two points agreed in it were, the establishment of the
favourite religion in England, and the conquest of
Holland. That England was to have Zealand, and the
rest was to be divided between France and the prince
of Orange. That Charles wanted to begin with Eng-
land, but Lewis chose to do his own business first, and
would begin with Holland; and sent over the duchess
of Orleans, not to make the treaty (for that had been
done before by lord Arundel of Wardour), but to re-

^a Bolingbroke’s Letters on the Study and Use of History, vol. I. p. 284.

France²¹, which soon became formidable

concile Charles to this alteration, for which the duke could not forgive him.—He says, he is now convinced of his having mistaken Charles's character. He had always thought him to have been floating between deism and popery; but that he now found lord Halifax's character of him was the true one, that he affected deism only to conceal his zeal for popery. That, after making the treaty, Charles called his confidents together; and told them, that now was the time for introducing their religion: and was so extremely earnest on the subject, as to burst into tears upon the occasion.—The letter is dated July, 1764; but there is another come, within these few days, with more particulars.”—The nation, we see, had ground sufficient for fears and jealousies.

²² He neglected his own, and endeavoured to perfect the navy of France.] Charles, at his restoration, found a very good navy. Lewis XIV. in a letter to D'Estrades, dated Aug. 5, 1661, says, “He [the king of England] has now a fleet of 160 sail, for which he is obliged to his misfortunes, by the care of the protector, whilst in authority, to increase the naval force beyond what any king of England ever could do²².” But with all this force he truckled to Lewis; and, in a manner, gave up the honor of the flag to that haughty monarch when he was possessed of very little naval power. “Your majesty may see,” says D'Estrades, “that the king of England—would willingly avoid any trouble on this article [the flag], and would not, though he might, take any advantage of his being armed and your majesty not as yet in such readiness. And though

²¹ D'Estrades' Letters and Negotiations, p. 126.

to the maritime powers, and helped to

the rout which your fleet must take, to sail from Rochelle to the Mediterranean, is quite different from that of the English ; and cannot meet one another but somewhere beyond Cape Finisterre, where there can be no further dispute ; and after this occasion is over, you may have time enough to put yourself in a condition to maintain your right, and to oblige the king of England to comply with such things as he now refuses, which he durst not have granted in the present weak condition of his authority over his people ; and even the parliament, though very well affected to him, would never agree to. Indeed, they appear to be greatly moved on the report of this contest ; and this has been the occasion of deputing some of their members to wait on the king to be informed of this, and to make offers, which the king of England has not accepted of, as still purposing that this affair should end in some friendly way. And I must also say, that, in all his conversation with me, he has always expressed a great respect and esteem for your majesty ; and has all along seemed to regard more the stiffness and obstinacy of his people and parliament, than any advantage to himself^a." This letter is dated Feb. 1, 1662.— Thus, through indolence, and attachment to France, was this prince disposed not to insist on a point yielded to Elizabeth by Henry the Great, and asserted with an high hand even under the pusillanimous James^b!— What was the effect of this indolent, timid, or com plaisant disposition, will appear by the following order given to Sir Thomas Allen by the duke of York, lord

^a D'Estrades' Letters and Negotiations, p. 170.

^b See vol. I. note 59.

inspire Lewis with the impious thought of

high admiral:—"Whereas by the instructions from me, dated July 6th, 1669, you were ordered to give directions to the commanders of his majesty's ships, under your command, that, upon their meeting any men of war belonging to the most Christian king (whether flag-ship or others), within the Mediterranean Sea, they should not salute them, nor expect any salutes from them; as also that no disputes be for the wind, but that the ships of war of either side, which should happen to have the wind, might keep it if they pleased, without being required or obliged to go to leeward; which instructions were given you by his majesty's directions, upon the undertaking of the ambassador of the most Christian king that the French men of war should have orders and directions to use and observe the same manner of proceedings on their part: And whereas the said ambassador now acknowledges that he misunderstood his majesty's intentions therein, and declared he cannot procure his consent to the said agreement: I do thereupon, by his majesty's directions, recall and wholly disannul the abovesaid instructions; requiring and commanding you entirely to suppress the said instructions, as if they had never been given: yet you are, notwithstanding, if you meet any French men of war, to keep a good correspondence with them according to former practice; and out of his majesty's seas to avoid, as much as may be, all occasion of contest with them. Given at Whitehall, this 25th of July, 1669^a."—Lewis, we see, acted with the same views still which he had in 1662, when he bid

^a Memoirs of English Affairs, by James duke of York, p. 175. 8vo. Lond. 1729.

lording it still more over mankind.—

D'Estrades tell king Charles, and his chancellor, "that he neither asked nor sought for any accommodation as to the business of the flag; because," says he, "I know very well how to maintain my right, happen what will^a."—But to go on to our subject.—

We may form some small judgment of the decay of the English navy from what we find in the king's and the chancellor's [Finch] speeches to the parliament, Ap. 13, 1675.—In the first, he says, "I must needs recommend to you the condition of the fleet, which I am not able to put into that estate it ought to be; and which will require so much time to repair and build, that I should be sorry to see this summer (and consequently a whole year) lost, without providing for it."—

His lordship's comment on this was as follows: "'Tis not altogether the natural decay of shipping; no, nor the accidents of war; that have lessened our fleet, though something may be attributed to both these: but our fleet seems rather to be weakened, for the present, by being out-grown and out-built by our neighbours."—He might as well have spoke out—and declared, that, through neglect at home, and care and thought employed abroad, we were become, even at sea, inferior to our neighbours. But his lordship, by his flourishes, thought to disguise and conceal the truth as much as might be.—

Mr. Pepys, secretary to the admiralty, declares, "that, from the time of his removal from the navy, in May, 1679, the effects of the inexperience of the commissioners of the admiralty were the subjects of common conversation: and (what," adds he, "was no mean addition to it) the

^a D'Estrades' Letters and Negotiations, p. 161.

These are facts which, considering the au-

unconcernment wherewith his then majesty was said to suffer his being familiarly entertained on that subject; while at the same time his transcendent mastery in all maritime knowledge could not, upon the least reflexion, but bring into his view the serious reckoning the same must, soon or late, end in to his purse and government. As at the five years end it proved to do^a."—The same gentleman has given us an account of the fleet, as it stood in May, 1684; by which "it appears, that only four-and-twenty ships were then at sea, none of them above fourth-rates, employing but 3070 men. The remainder of the navy in harbour so far out of repair, as to have had the charge of that alone (without sea-stores) estimated just before, at no less than one hundred and twenty thousand pounds. And towards this a magazine of stores, as lately reported from the same hands, not to amount to five thousand pounds. A magazine so unequal to the occasions of such a navy; that whereas peace used evermore to be improved to the making up the wasteful effects of war; this appears (after the longest vacation of a home marine-peace, from the restoration of the king to this day) to have brought the navy into a state more deplorable in its ships, and less relievable from its stores, than can be shewn to have happened (either in the one or the other) at the close of the most expensive war within all that time, or in forty years before. Especially when, in this its general ill plight, consideration shall be had of that particular therein which relates to the thirty new ships: not more surprising for the fact (after the solemnity and ampleness

^a Memoires touching the Royal Navy, p. 10. 8vo. 1690.

thorities on which they are founded, few

of the provision made for them by parliament) than important for its consequences. Forasmuch as in these ships rested not only that by which the present sea-strength of England surmounted all it had ever before had to pretend to, and the utmost that its present woods (at least within any reasonable reach of its arsenals) seem now able to support with materials, or its navigation with men; but that portion also of the same, upon which alone may at this day be rightfully said to rest, the virtue of the whole, opposed to the no less considerable growths in the naval strengths of France and Holland. The greatest part, nevertheless, of these thirty ships (without having ever yet lookt out of harbour) were let to sink into such distress, through decays contracted in their buttocks, quarters, bows, thick-stuff without board, and spirkittings upon their gun-decks within; their buttock-planks some of them started from their transums, tree-nails burnt and rotted, and planks thereby become ready to drop into the water, as being (with their neighbouring timbers) in many places perished to powder, to the rendering them unable with safety to admit of being breem'd for fear of taking fire; and their whole sides more disguised by shot-boards nailed, and plaisters of canvass pitched thereon (for hiding their defects and keeping them above water) than has been usually seen upon the coming in of a fleet after a battle; that several of them had been newly reported, by the navy-board it-self, to lye in danger of sinking at their very moorings. And this, notwithstanding above six hundred thousand pounds (not yet accounted for) spent in their building and furniture, with above threescore and ten thousand pounds more demanded for compleating them, amount-

will controvert; though so very unac-

ing together to 670,000*l.* and therein exceeding, not only the navy officers own estimates and their master shipwrights demands, but even the charge which some of them appeared to have been actually built for, by above one hundred and seventy thousand pounds. And notwithstanding too the flowing in of the monies provided for them, by parliament, faster (for the most part) than their occasions of employing it. In a word: notwithstanding the strict provision made by parliament, the repeated injunctions of his majesty, the orders of the then lord treasurer, and amleness of the helps purposely allowed (to the full of their own demands and undertakings), for securing a satisfactory account of the charge and built of the said ships. Lastly: while the navy (under this five years uninterrupted peace) was suffered to sink into this calamitous estate, even to the rendering some of its number wholly irreparable, and reducing others (the most considerable in quality) to a condition of being with difficulty kept above water; the navy (as his majesty was then assured by the lord treasurer) had been all that while supplied (one year with another) with four hundred thousand pounds *per annum*^a." This long extract will not be unacceptable, it is supposed, to most of my readers; as it is taken from a book little known, but of great authority, considering the ability of the writer in matters of this nature, and his close attachment to the house of Stuart.—Thus much for Charles's neglect of his own fleet.—Let us now see the care he took of the navy of France.—Burnet has observed, that "his contributing so much to the raising the greatness

^a *Memoires touching the Royal Navy*, p. 14—22. 8vo. 1690.

countable on the principles of common

of France, chiefly at sea, was such an error, that it could not flow from want of thought or of true sense. Ruvigny told me, he desired that all the methods the French took in the increase and conduct of their naval force might be sent him. And, he said, he seemed to study them with concern and zeal. He shewed what errors they committed, and how they ought to be corrected, as if he had been a vice-roy to France, rather than a king that ought to have watched over and prevented the progress they made, as the greatest of all the mischiefs that could happen to him or to his people. They that judged the most favourable of this, thought it was done out of revenge to the Dutch, that, with the assistance of so great a fleet as France could join to his own, he might be able to destroy them. But others put a worse construction on it; and thought, that, seeing he could not quite master or deceive his subjects by his own strength and management, he was willing to help forward the greatness of the French at sea, that, by their assistance, he might more certainly subdue his own people; according to what was generally believed to have fallen from lord Clifford, that, if the king must be in a dependance, it was better to pay it to a great and generous king than to five hundred of his own insolent subjects^a. — We find by the Journals of the House of Commons, that a complaint was made, “that Mr. Pepys, and Sir Anthony Deane, did cause divers maps and sea journals to be made; one of them mentioning Captain Mundons voyage to St. Helena; some draughts of his majesty’s best-built ships, and some models of ships; and four-

^a Burnet, vol. I. p. 614.

sense, or common policy! — We shall find

teen sheets of paper, closely written, containing an account in what manner the navy and admiralty were governed in England; as also of the number of the king's ships, their several ages, and their condition; as also divers other treasonable matters: making, first, a full discovery of the state and condition of his majesty's navy; how and by what means many of the English seamen may be drawn into the French service; the weakness of those places where his majesty's said ship... usually lie; the great want of stores; and a description of our principal rivers; and of our several forts, garrisons, and of the Isle of Wight: all which said maps, journals, models and descriptions aforesaid, the said Sir Anthony Deane is accused to have carried over into France with him, in the year 1675; and to have delivered to the marquis of Signelays, then secretary of the admiralty in France^a." — Mr. Pepys, and Sir Anthony Deane, endeavoured to defend themselves in the house: the former by flat denials; the other by an imperfect and, perhaps, partial confession. What he said was, "that he was a builder of ships at Portsmouth: that the king sent for him to go to the king of France with two boats for the canal at Versailles, the depth of his stick, about three foot and a half. The question was," said he, "whether they should be at the king's charge or the French Ambassador's. Says the French Ambassador, We will pay for it. I built them in obedience to the king's command, little thinking I should be questioned here for it. The boats were carried nine miles by land to Versailles. At the king of France's desire I went over to see them carried

^a Journal, 22 May, 1679.

little difficulty however to admit them,

to the canal. The king went into the vessel, and sailed with me. When I had done all, &c. the king of France presented me with 600 pistoles for my charges, and his picture set with diamonds worth 200*l.* and he gave my son a medal of 100*l.* the captain of the convoy a chain of 100*l.* and the men that took the pains were rewarded accordingly. I was used well and kindly; but could not speak one word of French. I was not presented to the king of France, but my son who spoke French. Such was my caution. I endeavoured to improve my time, whilst I stayed, by information of their whole methods of government of their navy, which I presented to secretary Williamson, the duke, lord Anglesea, secretary Coventry, and my lord treasurer, to shew them they had no need of learning from England, they had got into so excellent a method.—In the presence of God I speak it, I never sent any plan of forts or soundings, &c. All things in France are in such order, that, for my part, I was afraid to see it.²—This confession, I suppose, rather confirmed than disproved the charge in the eyes of the house: for we find Deane and Pepys were sent to the Tower, and the attorney-general ordered to prosecute them.—I will close this note with a passage from Dr. Welwood, as I find it quoted in another writer, having not the book at hand from whence it is taken. “Within this few weeks,” says he, “there is something to this subject accidentally come to my knowledge, which, perhaps, a great part of the world has not been yet acquainted with. Nobody doubts but that king Charles II. understood sea-affairs, and the art of

² Grey's Parliamentary Debates, vol. VII. p. 308.

when we consider the abandoned character

building ships, as well as almost any of his subjects: and I have seen under his own hand several extraordinary discoveries and experiments in that matter, which speaks him to have been a prince of great abilities. As in all other things that might aggrandize France and level England: so in this art of building ships, king Charles was willing to assist his intimate ally, Lewis XIV. to the utmost of his power. In order thereto, he not only faithfully communicated to the French king, from time to time, all his own observations and experiments; but likewise those of the most skilful persons about him in the art. Nay, such was that king's zeal for France, and his care to acquaint the French king with sea-affairs, that I have lately seen the doubles of several letters from king Charles to the French king, about implements and new discoveries in building ships of war; and at the foot of some of the doubles of considerable length, written by king Charles himself, to this purpose: The original with my own hand, sent him such a day. Strange! that a prince, so much in love with ease, and who writes so ill a hand, could be brought to write near a sheet of paper at a time, meerly to teach an inveterate enemy of the English nation a way to contend with him the dominion of the seas, the brightest jewel of his crown. But this is not all: king Charles's love to the people of England went farther yet; for there is to be seen the double of a letter from him, to the French king, full of instructions about this same subject, dated at a time when he pretended to concur with other princes in obliging that king to make a peace^a." — The

^a Oldmixon's History of England, vol. I. p. 545. fol. Lond. 1730.

of Charles, and add, “ he was a pensioner ²²

English nation had abundant reason to bless and praise Almighty God for restoring to them a prince of so benevolent a disposition !

²² He was a pensioner to France.] Wiquefort has a whole chapter to prove, that it is lawful for an ambassador to corrupt the ministers of the court where he resides². But how lawful soever this may be in ambassadors ; it is much more lawful and necessary for the princes, at whose courts they reside, to watch them narrowly, lest they make themselves masters of secrets most dangerous to be revealed. For they being spies by office, privileged by character, and, for the most part, well supplied with money ; have great opportunities of corrupting indigent, avaricious, or weak men, who abound in all courts, and are entrusted with the most important affairs.—Wise princes are sensible of this :—weak ones unconcerned about it.—“ It is said,” says the above-cited author, “ that one day an English gentleman signified to king James, that he had a matter of very great importance to impart to him ; but that his majesty must assure him of his protection in a particular manner, because, without that, his life would be in great danger. After he had taken his necessary precautions, he told him, That several noblemen of his court and council received pensions from Spain ; and that he could make it out. The king answered him, That he knew it very well ; and made a jest of it. He moreover said, He wished the king of Spain would give them ten times as much ; because this unprofitable expence would render him less able to make war against him. The French, who take plea-

² Embassador, p. 353. fol. Lond. 1716.

to the crown of France ;" So lost was he to

sure in publishing the good they do, as well as the favours they receive, have endeavoured to make it believed, that the ministers of the court of England were not very difficult on that subject not long since. Queen Elizabeth would not have suffered it. Henry IV. had given the order of St. Michael to Nicholas Clifford, and to Anthony Shirley, on account of the services they had done him in the war. These two gentlemen, being returned into England, the queen sent them to prison, and commanded them to send back the order, and to cause their names to be raz'd out of the registers. She said, that, as a virtuous woman ought to look on none but her husband, so a subject ought not to cast his eyes on any other sovereign, than him God had set over him. 'I will not,' said she, 'have my sheep marked with a strange brand; nor suffer them to follow the pipe of a strange shepherd.' Queen Christina would not permit the prince Palatin to receive the order of the Garter; nor the count de la Garde to be made a prince of the empire. These two queens were in the right to hinder their subjects from entering into engagements with foreign princes. They cannot share out their affection, nor their zeal, without robbing their sovereign of all that portion they so bestow; who ought to be as jealous thereof, as the husband is of his wife's honor^a."—What would this writer have said of a prince, who bargained for a pension, and authorized his minister to negotiate it for him in the best manner? If ministers are blameworthy in sharing out their affection and their zeal; how much more culpable the sovereign, who sacrifices his people

^a Wiquefort's Ambassador, p. 354. fol. Lond. 1716.

all shame!—If we turn now to affairs at

to a bribe, and fills his privy purse at the expence of their welfare? And how jealous, with reason, ought a nation to be, when under a head capable of such a dirty, infamous traffic?

We have already seen Charles leagued with France, in order to subdue Holland and introduce popery into his own kingdoms: we have seen that, to facilitate these infamous projects, he received 200,000*l. per annum* from France; whereby England was hurted, and Europe likely to be enslaved²: it now remains, in order to have a full view of this part of his character, to see what was his conduct when he had been forced to make peace with the Dutch, and the congress was held for putting an end to the war, at Nimeguen, under his mediation. To such as have not the Danby papers in their possession, the following extracts will afford entertainment, as well as information, on the subject-matter of this note.—Mr. Mountague, ambassador to the French king, in a letter to his own master, dated Paris, June 21, 1677, N. S. says, “That your majesty may understand me the better, you must call to mind how, when you made a separate peace with Holland, Mr. Ruvigny (at that time the king of France his minister in England) was so *importé* [outrageous] and passionate upon it, that you were extreamly dissatisfied with him and his proceedings; and at an entertainment made you by my lord Lindsey, at Chelsey, you were pleased to call me to you, and command me, because of my friendship and acquaintance with him, to advise him to change his language and behaviour: that you could not be-

* See note 20.

home; we shall find them most miserably

lieve his master would countenance him in it; and that you thought you gave great marks of your friendship in proceeding no farther, and not taking up the triple alliance again: that, whilst you had been joined with his master, the crown of France had extreamly advanced his own interest, and none of your majesty's as he was obliged to by his treaty. When I delivered to him your majesty's message, I found him extreamly surprized and frighted; which I improved as much as I could. All that he had to say to me was, after such great sums that his master had paid in England, it was hard to be left so. I told him that, as for the sums of money, they were not so great as to regret the payment of them: that, to my knowledge, the crown of France paid to the crown of Sweden two millions and a half for being neuters (for so the Swedes were then); and that your majesty, who was so great and so powerful a king, had but three millions of livres for so vast a fleet as you put to sea, and for some ten thousand of your majesty's subjects that you let pass over into French service. That these kind of discourses and reproaches would but exasperate your majesty: that I did not know how far that might carry you: that his best way was to be discreet, and say nothing. I remember his expression: *E bien, je pargnerai mes paroles, & le royst mon maister son argent* [Well then, I shall save my breath, and the king my master his money]. With this I left him, and gave your majesty an account, without troubling you with the particulars I do now, that I had obeyed your commands to Mr. Ruvigny. You ordered me also to give my lord Arlington an account (who was yet secretary of state) of what had passed between us; which I also did: and told him, that although Mr.

administered.—The doctrines of liberty,

Ruvigny talked very high, yet I observed, with what I had said to him of the triple alliance being taken up again, he was extreamly frighted; and so much, that I was sure, if he were well managed, the three millions you had during the war might be continued to you. He answered me that I was out of play, and no longer ambassador; and that you would not take it well, he was sure, my meddling any more in business: upon which admonition I let that sort of discourse fall. Some few days after, Mr. Ruvigny came to see me; telling me, that in return of my kindness for having advised him so well, he was come to be advised by me: that he found all your ministers turning against France, and my lord treasurer particularly, absolutely in the prince of Orange's interest: that he was afraid you would be brought to join with the confederates, and abandon France. For himself, he was at his wits end; and knew not what measures to take, except I would advise him. Whereupon I told him, that my lord treasurer was the man you most trusted; and, in my opinion (if your majesty would accept of it), the best way was to offer the continuance of the three millions during the war: *Car dans ce monde on ne fait rien pour rien* [For in this world nobody does any thing for nothing]. After this, I heard nothing from Mr. Ruvigny of three months, till at last he came and told me, *Vous m'avez donné un bon conseil, & le roi mon maistre vous en est obligé* [The advice you give is very good, and what the king my master is obliged to you for]. Since my coming into France this last time, I have conversed much with Mr. Ruvigny, who, partly with age, and partly with discontent at his ill usage at court, is the most broke that can be, and as you will easily

so precious in the eyes of the wise and vir-

believe by what I am going to tell you: for finding him always complaining of his ill usage after the great and good services he had done, I flattered his discontent as much as I could, to get out of him his greatest services I found he so much talked of: and at last he confessed to me, that when I advised him to offer your majesty the continuance of the three millions, that he proposed it at his court: that they consented to it, only with a recommendation to *mener la bourse du roy* [to be as good an husband of the king's money as he could]: that he had done it so well, as to bring your majesty to be contented with an hundred thousand pounds: that if he would, the king of France would as easily have paid you three; and notwithstanding his great service, they now refused to make his son a brigadier, or to give him the reversion of his place of *agent pour les Hugenots*, worth a thousand pistoles a year. I have seen all the letters writ to him from France about this affair; and your majesty may believe me, if Mr. Ruvigny had not managed in hopes to make his own fortune by such a service, you had had three hundred thousand pistoles a year; whereas now you have but one. I trouble you, Sir, with all these particulars, that you may the better know your own power and greatness; and consequently set a greater value upon it, if you think fit. I am sure the greatness of the king of France is supported only by your majesty's connivance at what he does, and the good will Christendom sees you have for him. The advantage he has by it, even in point of revenue by his conquests, does amount to five times the sum you have now from him; and though after-games are hard to play, I think, I understand this

tuous of all ages, which had been strongly

court so well, and, if you care to have it done, I am confident I could get you, by agreement, a million of livres a year to be paid whilst the war shall last, and four millions after the peace shall be made: I mean, Sir, over and above what you have from France now. And if you approve of my proposition, be pleased to write me five or six lines with your commands and directions, and I doubt not but to give you a good account of it^a."—Lord Danby, in a letter to Mountague, dated London, July 15, following, tells him, "his majesty had commanded him to write an answer to that part of his letter which concerns the money. That he shall take it for a good service to get an addition of a million to be well paid during the war, and four millions well secured to be paid within six months after the peace shall be made; but unless he can be then certain of the four millions, the addition of one million during the war will not be enough; it being impossible, with less than the value of two hundred thousand pounds sterling a year, whilst the war lasts, to support his affairs, in which he suffers so much for their sakes; as I confess, in my own opinion, no money can recompense. His majesty knows not how to send you any particular instructions as to the management of this matter; but trusts entirely to your judgment, since you tell him that you have prepared every thing for the execution of his commands in it: but he has commanded me to give you this caution, that unless you see your way clearly through this affair, he would have you communicate to him the steps by which you design to arrive at it, before you put it

^a Danby Papers, p. 1—6. 8vo. Lond. 1710.

inculcated, and greedily embraced, from

in execution^a." In a letter of Mountague's, written from Paris, on the 12th of August, to the treasurer, it is said, "Mr. Pompone tells me, this morning, that Mr. Courtin has agreed this matter with the king, my master, and in your lordship's presence; and that his majesty will be contented with two millions of livres a year only during the war; which, I confess, surprized me extreamly, considering the necessity of his majesty's condition, and the positiveness of his commands to me to insist upon two hundred thousand pounds sterling, which I had done very effectually, and must have succeeded in, considering the reasonableness of the demand, except the generosity of the king our master's nature, who values money so little, has already condescended to the lesser sum of two millions^b."—

Danby was astonished at this account; and attributed it to the effrontery of the French ministers, who scrupled not lying when it might serve their purpose. At length, however, he found it but too true; as he tells Mountague in September. Hear his words.—"At the kings arrival from Plymouth, I found he had consented (and in the presence of the duke) to two millions, to be compleated for one year, ending at Christmas next; but confessed he had not considered the difference betwixt that and two hundred thousand pounds; and said, that two hundred thousand pounds was the sum that would be at least necessary for his service, and which he had directed that you should insist upon: and I found he was troubled that he had consented to the two millions, and immediately sent for the duke, whom he commanded to speak with Mr.

^a Danby Papers, p. 7. 8vo. Lond. 1710.

^b Id. p. 13.

the beginning of the civil wars to the restoration of monarchy ; these doctrines, so

Courtin about it, and tell him how necessary it would be to have two hundred thousand pounds, by reason of the danger of the Spaniard falling out with him. But his highness not being able to prevail upon Mr. Courtin, nor his majesty being willing to speak any more upon that subject to him, the result of his majesty's pleasure hath been, that he will speak no more of this matter himself to Mr. Courtin, but does command that you do still insist upon the sum to be two hundred thousand pounds: but you are to say, that you perceive the king did once think to have made a shift with two millions, but that now he finds so great cause to apprehend a breach with Spain, or at least so much appearance of it, as will necessitate him to be at more charge than he intended on the Western islands; so that he must needs desire that sum^a.”—I will only add part of a letter from the treasurer to Mountague, dated London, March 25, 1678, O. S.—“In case,” says he, “the conditions of peace shall be accepted, the king expects to have six millions of livres a year, for three years, from the time that this agreement shall be signed betwixt his majesty and the king of France, because it will probably be two or three years before the parliament will be in humour to give him any supplies after the making of any peace with France; and the ambassador here has always agreed to that sum, but not for so long time. If you find the peace will not be accepted, you are not to mention the money at all: and all possible care must be taken to have this whole negotiation as private as is possible, for fear of

^a Danby Papers, p. 24. 8vo. Lond. 1710.

essential to the happiness of mankind, were, as in a moment, buried in obscurity²³; and

giving offence at home; where, for the most part, we hear in ten days after of any thing that is communicated to the French ministers." At the bottom of this letter are these remarkable words:—"This letter is writ by my order. C. R."^a—Lord Danby hereupon was impeached, "for endeavouring to procure a great sum of money, from the French king, for enabling him to maintain and carry on his traiterous designs and purposes, to the hazard of his majesty's person and government." Nobody, I think, can vindicate Danby, or Mountague, for the share they had in such an illicit commerce: but if common sense was to determine (the maxim that the king can do no wrong being set aside), his majesty himself would not have escaped with impunity. For it is well known, that the voice of the nation was for a war with France; and that money had been provided, by parliament, for carrying it on effectually^b.

²³ The doctrines of liberty were buried in obscurity, and the contrary ones established.] From the commencement of the civil wars, men began to open their eyes, and see their natural equality; their right to freedom; their independency on the will either of the magistrate or the priest. Milton's writings greatly contributed to these glorious ends: and we may easily conceive how much such men as Sidney, Harrington, and Neville added thereunto. Under the commonwealth government, these doctrines found great encouragement; and the assertors of liberty were the fa-

^a Danby Papers, p. 75. 8vo. Lond. 1710.
p. 26. 8vo. Lond. 1710.

^b Danby Memoirs,

the contrary ones established and con-

vourites of the men in power. From this time, till the return of his majesty, religion and government were the common topics of conversation and writing: and the press frequently produced schemes for reforming the one, and new modelling the other. The royalists, who hated law, as laying restraint on sovereignty; and who, for the most part, cared little for religion stript of pomp, wealth, and power: the royalists, with indignation, saw all this; attempted to ridicule and expose it; and, in their hearts, detested the men who promoted principles so opposite to their own views of things. Nor did they rest here:—As the resistance of Charles, his imprisonment, condemnation, and death, were supposed to have flowed from the doctrine of the legality of resistance of power, delegated or supreme, when used to the prejudice of the people; it was determined to extirpate it, and erect the contrary on its ruins. The steps by which this was done, Mr. Locke will shew us in the following paragraphs:—“The first step,” says he, “was made in the act for regulating corporations²: wisely beginning that in those lesser governments, which they meant afterwards to introduce upon the government of the nation; and making them swear to a declaration and belief of such propositions, as they themselves afterwards, upon debate, were enforced to alter, and could not justify in

² By the Statute 13 Car. II. c. 1. here referred to, all persons who shall be mayors, aldermen, &c. besides the oaths of allegiance and supremacy, were obliged to take this oath following:—“I, A. B. do declare, and believe, that it is not lawful, upon any pretence whatsoever, to take arms against the king: and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him. So help me God.”

firmed. Now it was that resistance of the

those words: so that many of the wealthiest and soberest men are still kept out of the magistracy of those places. The next step was in the act of militia, which went for most of the chiefest nobility and gentry being obliged, as lord-lieutenants, deputy-lieutenants, &c. to swear to the same declaration and belief with the addition only of these words, in pursuance of such military commissions; which makes the matter rather worse than better. Yet this went down smoothly, as an oath in fashion, a testimony of loyalty; and none adventuring freely to debate the matter, the humour of the age, like a strong tide, carries wise and good men down before it.—Immediately after this, followeth the Act of Uniformity; by which all the clergy of England are obliged to subscribe and declare what the corporations, nobility, and gentry had before sworn; but with this additional clause of the militia act omitted. This the clergy readily complied with; for, you know, that sort of men are taught rather to obey than understand; and to use that learning they have to justify, not to examine, what their superiors command.—But this matter was not compleat until the five-mile act passed at Oxford, wherein they take an opportunity to introduce the oath in the terms they would have it. This was then strongly opposed by the lord treasurer Southampton, lord Wharton, lord Ashley, and others, not only in the concern of those poor ministers that were so severely handled, but as it was in itself a most unlawful and unjustifiable oath. However, the zeal of that time against all non-conformists easily passed the act. This act was seconded the same session, at Oxford, by another bill in the house of commons, to have imposed that oath on the whole

sovereign, or those commissioned by him,

nation. And the providence by which it was thrown out was very remarkable: for Mr. Peregrine Bertie being newly chosen, was that morning introduced into the house by his brother, the now earl of Lindsey, and Sir Thomas Osborn, now lord treasurer, who all three gave their votes against that bill; and the members were so even upon the division, that their three votes carried the question against it." — In 1675, a bill was brought into the house of lords, and strongly supported by the bishops and courtiers, which required all officers of the church and state, and all members of both houses of parliament, not only to take the same oath, but likewise to swear, that "they would not, at any time, endeavour the alteration of the government either in church or state." This was strongly opposed by the most considerable peers: protested against by them in the warmest manner; but carried, with some little alteration, by a majority of voices. Luckily, however, for the nation, a dispute arose, between the two houses, about privileges; which put an end to the session before the commons had assented to this infamous bill, intended to shackle two-thirds of the legislature.

— The chancellor Finch, and the treasurer Danby, had the honour of projecting and defending this ever-memorable test ^a. — How different was Danby from Sir Thomas Osborn? — But though the test miscarried, the doctrine of slavery prevailed; and resistance at all times, and in all cases, was almost universally condemned. The clergy zealously preached up the divine right of kings; and denounced damnation

^a Letter to a Friend in the Country, *passim*; and Burnet, vol. I. p. 383.

was condemned by acts of parliament;

against such as should dare to oppose their most arbitrary, their most wicked designs. I will not make extracts from the common herd of ecclesiastical writers. Tillotson's letter to lord Russel, when under condemnation for treason, as it was styled, will fully show how much the slavish principle had taken possession of wise and good men under this reign. I will transcribe it at large. It is as follows:

“ MY LORD,

“ I was heartily glad to see your lordship, this morning, in that calm and devout temper at receiving the sacrament. But peace of mind, unless it be well grounded, will avail little. And because transient discourse many times hath little effect, for want of time to weigh and consider it; therefore in tender compassion of your lordships case, and from all the good will that one man can bear to another, I do humbly offer to your lordships deliberate thoughts these following considerations concerning the point of resistance, if our religion and rights should be invaded, as your lordship puts the case; concerning which I understand, by Dr. Burnet, that your lordship had once received satisfaction, and am sorry to find a change. First; That the Christian religion doth plainly forbid the resistance of authority. Secondly; That though our religion be established by law (which your lordship argues as a difference between our case and that of the primitive Christians); yet, in the same law which establishes our religion, it is declared, that it is not lawful, upon any pretence whatsoever, to take up arms, &c. Besides that, there is a particular law, declaring the power of the militia to be solely in the king. And this ties the hands of subjects, though the law of na-

and censured from the press, and from the

ture and the general rules of scripture had left us at liberty: which, I believe, they do not; because the government and peace of human society could not well subsist upon these terms. Thirdly; Your lordships opinion is contrary to the declared doctrine of all protestant churches. And though some particular persons have thought otherwise; yet they have been contradicted herein, and condemned for it, by the generality of protestants. My end in this is, to convince your lordship, that you are in a very great and dangerous mistake: and being so convinced, that, which was before a sin of ignorance, will appear of a much more heinous nature, as in truth it is, and call for a very particular and deep repentance; which, if your lordship sincerely exercise upon the sight of your error, by a penitent acknowledgment of it to God and men; you will not only obtain forgiveness of God, but prevent a mighty scandal to the reformed religion. I am very loth to give your lordship any disquiet in the distress you are in, which I commiserate from my heart; but am much more concerned, that you do not leave the world in a delusion and false peace, to the hindrance of your eternal happiness. I heartily pray for you; and beseech your lordship to believe, that I am, with the greatest sincerity and compassion in the world,

“ Your lordships, &c.

“ JOHN TILLOTSON².”

This letter, though it contained nothing but the doctrines of the times, was very smartly remarked on by Mr. Samuel Johnson; a man who deserved a bishopric

² Birch's Life of Tillotson, p. 109.

pulpit, by the clergy who had hopes of pre-

as well, at least, as any who ever obtained one.——
“ I ever took it for granted,” says he, “ that government ceases, and is lost, when all the ends of government are destroyed; as they plainly are where the religion and rights of a kingdom are invaded, for the more surety and security of which rights men at the first entered into society. I speak the language of Fortescue. Who then, in this case, is the friend to government, and would have it live; he that invades, or he that stops such destructive invasion? Again: Who is it that breaks the peace of human society; he that invades all that mankind have, or they that are only willing to defend their own? I, in my simplicity, thought that the breach of the peace had been with the trespasser. And I thought likewise, that, by the law of England, I might justify the beating of any man that would take away my goods; and that, in so doing I should not break the peace: neither would the law impute it to me, but to the invader. These were my former thoughts: but we must now learn a new lesson. For, it seems, the way to preserve government, is to see it destroyed, and to let tyranny alone, and to suffer invasion to go on; for, otherwise, though the peace be already broken to pieces, you disturb the peace. But if it were not lawful to advance paradoxes and contradictions to common sense; how could men shew their learning, or wherein would they differ from other men? As for this maxim (the incompatibility of resistance with the government and peace of human society), it is exactly calculated for the use of a perverted government; or of an insolent hedge-constable, that beats a quiet and orderly person for the conservation of the peace, and knocks him down to bid him stand.

ferment. And lest any chance should be

But, to come closer to the point, is not the invasion of the religion and rights of a people, the highest tyranny that can be conceived? And how then came the English divinity to be such a pimp to tyranny, and to be so deeply concerned for the subsistence and continuance of it without molestation, as to damn all men who would not undergo a severe repentance for being of another opinion; and to urge them to recant their English principles upon the very scaffold? Tho' I think that to be a much more proper place for retracting destructive errors than deliverance of truths. But I can tell all the world how this came to pass; for one day teaches and certifies another, and things are cleared up, in time, which were mysteries before. The reason why the clergy were so zealous for tyranny, was, because it was a tyranny on their own side: their own interest and strength to crush all other protestants lay therein, and, according to the Greek and Latin wish to enemies, invasion so applyed was a good thing; and the worse the better. That made them so very liberal of the English rights, and to sacrifice them all at once in a peace-offering to Moloc; and it was a true act of worship, for it signalized their loyalty^a.—He that would see how far the slavish principles prevailed; may be satisfied fully by consulting the Oxford decree, which passed, in convocation, July 21, 1683, which condemned some of the plainest and most evident propositions in politics.—“I wonder,” says Harrington, “why ministers, of all men, should be perpetually tampering with government: first, because they, as well as others, have it in express charge to submit

^a Mr. Samuel Johnson's Works, p. 306.

left for the revival of former principles, so

themselves to the ordinances of men; and, secondly, because these ordinances of men must go upon such political principles, as they, of all others (by any thing that can be found in their writings or actions) least understand. Whence you have the suffrage of all nations unto this sense: an ounce of wisdom is worth a pound of clergy: your greatest clerks are not your wisest men: and when some foul absurdity in state is committed, it is common with the French and even the Italians, to call it, *Pas de clerc*; or, *Governo du prete*^a." But to go on.—I have said, in the text, that the doctrines of liberty are essential to the happiness of mankind. But this, in the opinion of Mr. Hobbes, is a mere jest; and founded on an absolute mistake. "The Athenians and Romans," says he, "were free; that is, free commonwealths: not that any particular men had the liberty to resist their own representative: but that their representative had the liberty to resist or invade other people. There is written on the turrets of the city of Luca, in great characters, at this day, the word *Liberitas*; yet no man can thence infer, that a particular man has more liberty or immunity from the service of the commonwealth, than in Constantinople. Whether a commonwealth be monarchical or popular, the freedom is still the same. But it is an easy thing for men to be deceived by the specious name of liberty; and for want of judgment to distinguish, mistake that for their private inheritance and birthright, which is the right of the publique only. And when the same error is confirmed by the authority of men in reputation for their writings in this subject, it is no wonder if it

^a Harrington's *Oceana*, first edition, p. 223.

produce sedition and change of government. In these western parts of the world, we are made to receive our opinions, concerning the institution and rights of commonwealths, from Aristotle, Cicero, and other men, Greeks and Romans; that, living under popular states, derived those rights, not from the principles of nature, but transcribed them into their books, out of the practice of their own commonwealths, which were popular; as the grammarians describe the rules of language out of the practice of the time; or the rules of poetry, out of the poems of Homer or Virgil. And because the Athenians were taught (to keep them from desire of changing their government), that they were freemen, and all that lived under monarchy were slaves; therefore Aristotle puts it down in his *Politiques* (*lib. vi. cap. 2.*) in democracy liberty is to be supposed: for it is commonly held, that no man is free in any other government. And as Aristotle, so Cicero and other writers have grounded their civil doctrine on the opinions of the Romans, who were taught to hate monarchy, at first, by them that, having deposed their sovereign, shared amongst them the sovereignty of Rome; and afterwards by their successors. And by reading of these Greek and Latin authors, men from their childhood have gotten a habit (under a false shew of liberty) of favouring tumults, and of licentious controlling the actions of their sovereigns, and again of controlling those controllers with the effusion of so much blood: as, I think, I may truly say, there was never any thing so dearly bought, as these western parts have bought the learning of the Greek and Latin tongues².—On the former part of this passage, Mr. Harrington marks, that “to say, that a Luchese hath no more

² Hobbes's *Leviathan*, p. 110. fol. Lond. 1651.

berty or immunity, from the laws of Luca, than a Turk hath from those of Constantinople; and to say that a Luchese hath no more liberty or immunity by the laws of Luca, than a Turk hath by those of Constantinople; are pretty different speeches. The first may be said of all governments alike; the second scarce of any two; much less of these, seeing it is known, that whereas the greatest bashaw is a tenant as well of his head, as of his estate, at the will of his lord: the meanest Luchese, that hath land, is a freeholder of both, and not to be controlled but by the law; and that framed by every private man unto no other end (or they may thank themselves) than to protect the liberty of every private man, which by that means comes to be the liberty of the commonwealth^a.”—But Mr. Hobbes, I think, is much mistaken in attributing our notions of liberty, and the consequences of these notions, to the reading of Greek and Latin writers. Our ancestors in Germany, who understood neither Greek nor Latin, entertained them. The feudal system, in the formation of which neither Aristotle nor Cicero were consulted, introduced in these Western parts by the Northern nations, in a good measure adopted them; and they are still subsisting in several parts of the globe, where the Greeks and Romans were never heard of. This writer, I suppose, had in his eye the civil wars of his own time and country, when he speaks thus severely of the doctrines of liberty, and the supposed patrons of it. The Greek philosopher, and the Roman orator, the historians of both nations, and many even of their poets, celebrate the patrons of liberty, and consign to eternal infamy her foes. However, if I am not much mistaken, it was not from these

^a Harrington's *Oceana*.

odious in the eyes of the government, and at the same time so terrible, the press

that the spirit of freedom was catched, which produced effects so wonderful. From the Reformation, the Hebrew historians had been read; read diligently and constantly by the bulk of the people: more especially by those stiled Puritans, who aided the parliament, and rendered their cause successful. The overthrow of Pharoah, for his tyranny; the destruction of Sihon, and Og, for inhumanity; the hanging the king of Ai, and the five kings, by Joshua, after having overcome them; the treatment of Adonibezek! and the present from the Lord of a dagger, by Ehud to Eglon, whereby the Israelites were restored to freedom; and a multitude of other instances which might be produced; tended much to fill their minds with notions of the lawfulness of resistance, and the right of punishing tyranny and oppression. And the writers of the books of the New Testament, though they have laid down the doctrine of submission to the higher powers in clear and express terms; yet never thought, as appears by their own history, that the magistrate was entitled to absolute, unconditional obedience. Now is it to be wondered, that men conversant, daily conversant, in such writings, should imbibe the spirit of freedom? These writings did that on the main body of the soldiery at this time, which Aristotle or Cicero could not have done: that is, they excited them to action by examples held, on all hands, to be sacred and divine. But what are the mischiefs resulting from these doctrines? do they, indeed, favour tumults; and licentiously tend to controul the actions of sovereigns; more than their contraries? by no means. If we look into the histories

was most strictly guarded ²⁴ and secured; and such as were found to be the authors

of the Turkish or the Russian empires, we shall find more tumults, more controuling, more deposing, and murdering of sovereigns; than are to be found in the annals of those nations where the principles of liberty have most prevailed. Sha Hussein was deposed, his children massacred, and the crown transferred from his family, even in our own days; though the Afghans, and their chiefs, were wholly uninstructed by the masters Mr. Hobbes speaks of^a. The gentleman, however, was unnecessarily alarmed. “The right of resistance,” as Mr. Locke observes, “even in manifest acts of tyranny, will not suddenly, or on slight occasions, disturb the government. For if it reaches no farther than some private mens cases, though they have a right to defend themselves, and to recover by force what by unlawful force is taken from them; yet the right to do so will not easily engage them in a contest wherein they are sure to perish: it being as impossible for one, or a few oppressed men to disturb the government, where the body of the people do not think themselves concerned in it; as for a raving madman, or heady malecontent, to overturn a well-settled state: the people being as little apt to follow the one, as the other^b.^c”

²⁴ The press was strictly guarded and secured.] The liberty of the press was always a matter of lamentation to the friends of despotism.—“Printing,” says one of these, in an address to his majesty, Charles II. “is like a good dish of meat, which, moderately eaten of,

^a See Hanway’s Revolutions in Persia.
p. 381. 8vo. Lond. 1674.

^b Locke on Government,

or publishers of things disagreeable, under-

turns to the nourishment and health of the body; but, immoderately, to surfeits and sicknesses. As the use is very necessary, the abuse is very dangerous. Cannot this abuse be remedied any other way, than depriving your majesty of your antient and just power? How were the abuses taken away in queen Elizabeth, king James, and the beginning of king Charles his time, when few or no scandals or libels were stirring? Was it not by fining, imprisoning, seizing the books, and breaking the presses of the transgressors, by order of council-board? Was it not otherwise when the jurisdiction of that court was taken away, by act of parliament, 17 Car. If princes cannot redress abuses, can less men redress them? I dare positively say, the liberty of the press was the principal furthering cause of the confinement of your most royal fathers person: for, after this act, every male-content vented his passion in print; some against his person, some against his government, some against his religion, and some against his parts. The common people, that before this liberty believed even a ballad because it was in print, greedily suckt in these scandals, especially being authorized by a god of their own making. The parliament, finding the faith of the deceived people to be implicitly in them, printed the Remonstrance, the Engagement to live and dye with the Earl of Essex, the Covenant, &c. and so totally possest the press that the king could not be heard. By this means the common people became not only statists, but parties in the parliaments cause, hearing but one side, and then words begat blows. For though words of themselves are too weak instruments to kill a man; yet they can direct how, and when, and what men shall be killed. In

went heavy punishments. Men's tongues,

the statute of 21 Jac. printing keeps very able company; as salt-peter, gun-powder, ordnance, &c. all which are excepted from being monopolies^a.—Another writer, of the same class, had before proposed, “that the press be carefully looked into, that no seditious books or pamphlets be vented, to poyson the people, or to confirm any in their bad principles. The want of this care,” adds he, “hath grown into a great seminary of mischief, which, if nothing but our sad experience of it, should make us more wary for the future^b.”—But even this was not all.—The author also proposed, that a choice and able committee “be appointed to enquire after all books and writings whatsoever, which have spoke against the royal right, or the right of the subject; that they may, as many as can be got, either be purged or burnt, and declared against by authority; and not to remain as apt fuel for a new flame, but be buried as far as can be in perpetual oblivion. And, perhaps, in the first place, as most pestilent, those tracts that have been writ about that ridiculous contradiction *in adjecto* of the two houses co-ordination with the king the monarch, when the king is the head, the lords spiritual and temporal, and the commons, the three estates, by several acts of parliament specified, *lippis & tonsoribus notum*: yet urged for designs mischievous abominably, as we have felt. As also that trayterous distinction of the Spencers, 'twixt the kings person and office, by two acts of parliament declared treason; yet in these late times maintained by too many. Goodwins book for

^a Atkins's Original and Growth of Printing. 4to. Lond. 1664. In the Dedication. ^b Lake's Memoranda, p. 130. 4to. Lond. 1662.

however, were employed ; and a court,

the justification of the murther of the late king, and many other of that kind. Mr. Bucks book of Richard the Third, wherein he seems to impugne the right of the king from the daughter of king Edward the Fourth, wife to king Henry the Seventh, too much leaning to, if not affirming Richard the Thirds right, by that monstrous act of parliament that illegitimizes Edward the Fourths issue. In Sir Edward Cokes book, intituled, ' The third part of the Institutes of the Law of England, concerning High Treason, and other pleas of the Crown,' 1658, p. 7. he puts it down there, for law, upon the Statute of 25 Ed. III. c. ii. *de proditionibus*, that if treason be committed against a king *de facto*, and *non de jure* ; and after the king *de jure* cometh to the crown, he shall punish the treason done to the king *de facto* ; and a pardon granted by a king *de jure*, that is not also *de facto*, is void.—In regard Sir Edward Cokes writings are by many held in high repute, and some have not stuck to style him the oracle of the law ; therefore his writings require to be more strictly looked into, and that if any errors be found therein, they may be detected and expunged, as being more dangerous than in other mens writings not of so great repute. *Corruptio optimi est pessima* ². —Conformable to the sentiments of these persons, an act of parliament passed; in the preamble of which it is said, " Whereas the well-government and regulating of printers and printing-presses is matter of public care, and of great concernment ; especially considering that, by the general licentiousness of the late times, many evil-disposed persons have been encouraged to print and

² Lake's Memoranda, p. 127. 4to. Lond. 1662.

with measures so vile, escaped not heavy

sell heretical, schismatical, blasphemous, seditious, and treasonable books, pamphlets, and papers, and still do continue such their unlawful and exorbitant practice, to the high dishonour of Almighty God, the indangering the peace of these kingdoms, and raising a disaffection to his most excellent majesty and his government: for prevention whereof, no surer means can be advised, than by reducing and limiting the number of printing-presses, and by ordering and settling the said art or mystery of printing by act of parliament."—
In the body of the act, "all persons are prohibited from printing any heretical, schismatical, or offensive books or pamphlets, wherein any doctrine or opinion shall be asserted, or maintained, which is contrary to the Christian faith, or the doctrine or discipline of the church of England, or which shall or may tend, or be to the scandal of religion, or the church, or the government, or governors of the church, state, or commonwealth, or of any corporation, or particular person or persons whatsoever." But as all men could not be supposed to know when they wrote heresy, or promoted schism; as authors might unwittingly manufacture blasphemy, sedition, and treason; it was provided, that a licenser, appointed by the government, should inspect all writings prepared for the press; and after being approved of by him, he was to "testify, under his hand, that there was not any thing contained in them contrary to the Christian faith, or the doctrine or discipline of the church of England, or against the state or government of this realm, or contrary to good life, or good manners, or otherwise as the nature and subject of the work shall require."^a—By this act,

^a Stat. 13 and 14 Car. II. c. 33.

censures. This alarmed the guilty. Con-

also, "power and authority was given to messengers, by warrant under his majesties sign-manual, or under the hand of one or more of his majesties principal secretaries of state, or the master or wardens of the company of stationers, with a constable, at all times, to search all houses and shops where they shall know, or upon some probable reason suspect, any books to be printed, bound, or stitched; and to examine whether the same be licensed, and to demand a sight of the said licence: and if the said books shall not be licensed, then to seize upon so much thereof as shall be found imprinted, together with the several offenders, and to bring them before a justice of the peace, who was required to commit them to prison, there to remain till they were tried and acquitted, or convicted and punished."— Offenders were, for the first offence, to be disabled from exercising their trades for the space of three years; and for the second, they were for ever incapacitated, and to be further punished by fine, imprisonment, or other corporal punishment, not extending to life or limb, as the judges or justices in the quarter-sessions should see fit. Nor were these mere threatenings. Whatever was displeasing to the court was carefully suppressed; and men even dared not print the plainest truths that were displeasing to those in power. Milton's immortal book of Paradise Lost, the public had like to have been eternally deprived of, "by the ignorance or malice of the licenser; who, among other frivolous exceptions, would needs suppress the whole poem for imaginary treason in the following lines:

— "As when the sun, new ris'n,
Looks thro' the horizontal misty air

scious of their vile deeds ; they were afraid

Shorn of his beams ; or from behind the moon,
 In dim eclipse, disastrous twilight sheds
 On half the nations, and with fear of change
 Perplexes monarchies ^{a.}”

What notable work these gentlemen licensers made, even with old and approved books, we may learn from the following account, given us by Burnet: “ When I writ Bishop Bedells Life,” says he, “ his book against Wadsworth was found to be so well written, and was so much out of print, that it was thought fit to reprint it, and bind it up with his life. I could not but take notice of the case of subjects resisting their prince fully stated and justified by him ; and that in a book dedicated to king Charles the First, then prince of Wales : and this was never once objected to him, nor he obliged to retract it ; but, instead of that, he was afterwards made provost of Trinity College in Dublin, and then bishop of Kilmore and Ardagh in that kingdom.—I thought myself bound to warn Mr. Chiswell of that passage. He was much threatned at that time for having printed Julian, and he was afraid of raising a new storm against himself. I told him, I would not suffer the book to be printed, unless that passage were printed in it. He shewed it to Sir Roger L'Estrange, who would not let it pass till several words were scattered quite through it, to give it an air, as if Bedell had been only repeating the arguments of other men : and even that did not serve turn. A marginal note was to be added to the end of that paragraph, which was framed by Sir Roger himself.—Such was the severity of our expurgators at that time ^{b.}”—

^a Teland's Life of Milton, p. 121. 8vo. Lond. 1761.
 on a Pamphlet, p. 69. 8vo. Lond. 1696.

^b Reflections

But to go on. It was an article of impeachment against Scroggs, chief justice of the King's Bench, " That whereas one Henry Carr had, for some time before, published every week a certain book, intituled, " The weekly packet of Advice from Rome; or, The History of Popery :" wherein the superstitions and cheats of the church of Rome were, from time to time, exposed; he, the said Scroggs, together with the other judges of the said court, before any legal conviction of the said Carr of any crime, did, in a most illegal and arbitrary manner, make and cause to be entered a certain rule of that court, against the printing of the said book, *in hac verba*. *Ordinatum est quod liber intitulat.* ' The weekly packet of Advice from Rome ; or, The History of Popery : non ulterius imprimatur vel publicetur per aliquam personam quamcumque.

per Cur.

And did cause the said Carr, and divers printers, and other persons, to be served with the same ; which said rule, and other proceedings, were most apparently contrary to all justice, in condemning, not only what had been written, without hearing the parties, but also all that might for the future be written on that subject ; a manifest countenancing of popery, and discouragement of protestants ; an open invasion upon the right of the subject, and an encroaching and assuming to themselves a legislative power and authority ^a.— There wanted not ground for this accusation. For Scroggs had given out warrants to one Stephens, a messenger of the press, to seize all books unlicensed ; together with the authors, printers, and publishers of them.— As a curiosity, I will here transcribe one of them.— " Whereas the kings majesty hath lately

^a Journal, 3d Jan. 1690.

issued out his proclamation for suppressing the printing and publishing unlicensed news-books, and pamphlets of news: notwithstanding which, there are divers persons who do daily print and publish such unlicensed books and pamphlets. These are therefore to will and require you, and in his majesty's name to charge and command you, and every of you, from time to time, and at all times, so often as you shall thereunto be required, to be aiding and assisting to Robert Stephens, messenger of the press, in the seizing all such books and pamphlets as aforesaid, as he shall be informed of, in any booksellers shop, or printers shop or warehouses, or elsewhere whatsoever, to the end they may be disposed of as to law shall appertain. Likewise, if you shall be informed of the authors, printers, or publishers of such books and pamphlets, you are to apprehend them, and have them before me, or one of his majesty's justices of the peace, to be proceeded against as to law shall appertain. Dated this 28th day of May, *Anno Dom. 1680.*

“ To all mayors, sheriffs,
bayliffs, constables,
and all other officers
and ministers whom
these may concern.

WILLIAM SCROGGS.

“ To Robert Stephens, messenger of the press.”

What treatment this man gave to such as were had before him, on account of these kind of transgressions; will best appear from the report of the committee of the commons, appointed to examine the proceedings of the judges. In this report, we find, “That the committee were informed, by Francis Smith, bookseller, that he was brought before the chief justice by

his warrant, and charged by the messenger, Robert Stephens, that he had seen some parcels of a pamphlet, called, 'Observations on Sir George Wakemans Tryal,' in his shop: upon which the chief justice told him, he would make him an example; use him like a bore in France; and pile him and all the booksellers and printers up in prison, like faggots; and so committed him to the kings-bench: swearing and cursing at him in great fury. And when he tendered three sufficient citizens of London for his bail, alledging imprisonment in his circumstances would be his utter ruin; the chief justice replied, the citizens looked like sufficient persons, but he would take no bail: and so he was forced to come out by Habeas Corpus, and was afterwards informed against for the same matter, to his great charge and vexation.

"And a while after, Francis (the son of the said Francis Smith) was committed by the said chief justice, and bail refused, for selling a pamphlet, called, 'A New Years Gift, for the said Chief Justice,' to a coffee-house; and he declared to them, he would take no bail, for he would ruin them all. And further it appeared to the committee, that the said chief justice committed, in like manner, Jane Curtis, she having a husband and children, for selling a book, called, 'A Satyr against Injustice,' which his lordship called a libel against him; and her friends tendering sufficient bail, and desiring him to have mercy on her poverty and condition; he swore, by the name of God, she should go to prison, and he would shew no more mercy than they could expect from a wolf that came to devour them; and she might bring her Habeas Corpus, and come out so: which she was forced to do; and after informed against and prosecuted, to her utter ruin, four or five terms after.

“ In like manner it appeared to this committee, that, about that time also, Edward Berry (stationer, of Greys Inn) was committed, by the said chief justice, being accused of selling, the ‘Observations on Sir George Wakemans Tryal ;’ and though he tendered 1000*l.* bail ; yet the chief justice said, he would take no bail ; he should go to prison, and come out according to law. And after he, with much trouble and charge, got out by Habeas Corpus, he was forced by himself, or his attorney, to attend five terms before he could be discharged, though no information was exhibited against him in all that time ^a.”—Possibly Scroggs was of Wolsey’s mind ; who publicly forewarned the clergy, “ that if they did not destroy the press, the press would destroy them.”—It is, indeed, a bitter enemy to tyranny of every kind ^b.—Mr. Johnson, for writing Julian the Apostate, in opposition to the succession of the duke of York, was condemned, by the infamous Jefferies, in a fine of five hundred marks, and committed prisoner to the King’s Bench till he should pay it, which was the same as perpetual imprisonment, since he was not able to raise that sum ^c.—I will only just mention one fact more, and it shall be that of the immortal Algernon Sidney ; who being obnoxious to the court, on account of his principles and his virtue, had his closet searched by a warrant from Jenkins, secretary of state, and his papers carried away. Among these were found a manuscript of the admirable book of Government, which was given in as evidence on his trial, and made an instrument of his destruction ^d.—Such a hatred and dread had the mo-

^a Journal, 23 Dec. 1680.

^b It should be observed, that the act for regulating printers and printing-presses, though twice renewed, was now expired ; and, consequently, all these proceedings were illegal.

^c See Johnson’s Life, prefixed to his Works.

^d See Sidney’s Trial.

of consequences ; and, therefore, issued proclamations against coffee-houses ²⁵, as they

narch, and his ministers, of every thing which had a tendency to revive the spirit of liberty ! But, thanks be to God ! all their efforts were vain. Sidney's and Johnson's writings live : and will live, while there is any such thing as sense or virtue in the world.

²⁵ Proclamations were issued for suppressing coffee-houses.] At the Restoration, Charles was very popular ; and his measures, how weak soever, were applauded. But time began to open men's eyes ; and they saw clearly enough into his designs. This set men on talking, and communicating their fears and apprehensions. On this, the court was alarmed : and, "one day, his majesty called the chancellor [Hyde] to him, and complained very much of the licence that was assumed in the coffee-houses ; which were the places where the boldest calumnies and scandals were raised, and dis-coursed amongst people who knew not each other, and came together only for that communication, and from thence were propagated over the kingdom : and mentioned some particular rumours which had been lately dispersed from the fountains, which, on his own behalf, he was enough displeased with ; and asked him what was to be done in it. The chancellor concurred with him in the sense of the scandal, and the mischief that must attend the impunity of such places, where the foulest imputations were laid upon the government, which were held lawful to be reported and divulged to every body but to the magistrates, who might examine and punish them ; of which there having yet been no precedent, people generally believed that those houses had a charter of privilege to speak what they would

were deemed the means of propagating reports very unfavourable to their purposes

without being in danger to be called in question: and that it was high time for his majesty to apply some remedy to such a growing disease, and to reform the understanding of those who believed that no remedy could be applied to it. That it would be fit, either by a proclamation to forbid all persons to resort to those houses, and so totally to suppress them; or to employ some spies, who, being present in the conversation, might be ready to charge and accuse the persons who had talked with most licence in a subject that would bear complaint; upon which the proceedings might be in such a manner as would put an end to the confidence that was only mischievous in those meetings. The king liked both the expedients; and thought that the last could not be justly made use of till the former should give fair warning; and commanded him to propose it that same day in council, that some order might be given in it. The chancellor proposed it, as he was required, with such arguments as were like to move with men who knew the inconveniences which arose from those places: and the king himself mentioned it with passion, as derogatory to the government; and directed that the attorney might prepare a proclamation for the suppression of those houses, in which the board seemed to agree: when Sir William Coventry, who had been heard, within a few days before, to inveigh with much fierceness against the permission of so much seditious prattle in the impunity of those houses, stood up, and said, that coffee was a commodity that yielded the king a good revenue; and therefore it would not be just to receive the duties and

and designs.—Nor was property more

inhibit the sale of it, which many men found to be very good for their health; as if it might not be bought and drank but in those licentious meetings. That it had been permitted in Cromwells time; and that the kings friends had used more liberty of speech in those places, than they durst do in any other; and that he thought it would be better to leave them as they were, without running the hazard of ill being continued notwithstanding his command to the contrary. And upon these reasons his majesty was converted, and declined any farther debate; which put the chancellor very much out of countenance, nor knew he how to behave himself².—But though Hyde failed in his iniquitous intentions, other ministers adopted his plan, and attempted to carry it into execution. For on the 12th of June, 1672, a proclamation was issued, “to restrain the spreading of false news, and licentious talking of matters of state and government.” In this, notice is taken “of the bold and licentious discourses men had used in coffee-houses, and in other places, to censure and defaine the proceedings of state: and all his majesties subjects are commanded, on pain of being punished with the utmost severity, not to write or speak, utter or publish, false news or reports; or to intermeddle with the affairs of state or government; or with the persons of any of his majesties counsellours or ministers; in their common or ordinary discourses, Moreover his majesty declared his resolution of punishing not only those who used any bold or unlawful speeches, but such as should be present at any coffee-house, or any publick or private meeting, where such

² Clarendon's Continuation, vol. III. p. 678.

secure: for his majesty having leagued

speeches were used, without revealing the same within the space of four and twenty hours next after such words spoken." This, it was imagined, would have been a screen for ministers, and a restraint on the liberty of men's tongues. But the projectors were mistaken: men talked more boldly than they had before done, and scrupled not to censure freely the measures of the administration. The court, therefore, determined to strike at the root: and as coffee-houses were the places of public resort, and the great marts of news and politics, it was thought fit to put them all down by a proclamation, ordered in council, Dec. 29, 1675: "Because in such houses, and by occasion of the meeting of disaffected persons in them, divers false, malicious, and scandalous reports were devised and spread abroad, to the defamation of his majesty's government, and to the disturbance of the quiet and peace of the realm." And on Jan. 7th following, another "proclamation was published, for discovering and punishing malicious and disaffected persons, who did daily devise and publish, as well by writing as printing, sundry false, infamous, and scandalous libels, endeavouring thereby not only to traduce and reproach the ecclesiastical and temporal government of this kingdom, and the public ministers of the same; but also to stir up and dispose the minds of his majesty's subjects to sedition and rebellion."—But upon petition of the "merchants and retailers of coffee and tea, a permission was granted to keep open their coffee-houses to June 24th next, provided that every keeper of such house should use his utmost endeavour to prevent and hinder all scandalous papers, books, or libels, concerning the government or the public ministers thereof, from be-

himself with France, against the Dutch,

ing brought into his house, or to be there read, perused, or divulged; and to prevent and hinder all and every person or persons from declaring, uttering, and divulging, in his said house, all manner of false or scandalous reports of the government, or any of the ministers thereof^a."—Such were the rigorous measures of this reign! Measures detestable in the eyes of the sons of freedom; and which will expose the memories of the authors of them to eternal infamy.—

Let us now hear Mr. North, brother to the lord keeper Guildford, a zealous advocate for the measures of this reign. "About this time," says he, "Sir William Jones being his majesty's attorney general, there was such licentiousness of seditious, and, really, treasonable discourses in coffee-houses, of which there were accounts daily brought to the king, that it was considered if coffee-houses might not be put down. Then it was scarce possible to cohibit peoples talk; but if the opportunities of promiscuous and numerous assemblies of idle spenders of time were removed, ill men would not be able to make such broad impressions on peoples minds as they did. And the most likely way to do it was thought to be by a proclamation, recalling all their licences, and prohibiting the granting any new ones; and, under this, divers points of law were started; whereupon the king commanded that all the judges should attend, to give their advice touching the proclamation: and his lordship, and five other judges, being all that were in town, attended. His lordship, upon the main, thought that retailing of coffee might be an innocent trade; but as it was used to nourish sedition, spread lies, scandalize great men, it might also

^a Compleat History of England, vol. III. p. 307. fol. Lond. 1706.

by virtue of a mere proclamation shut up

be a common nuisance^a."——In another work, speaking of this same affair, he remarks, "the conclusion of the matter was, that, upon application made by petition of the coffee-men, who promised to be wonderfully good for the future, and to take care to prevent treasonable and seditious talk in their houses, the king receded and let them go. And now the mischief is arrived at perfection; and not only sedition and treason, but atheism, heresy, and blasphemy, are publicly taught in divers of the celebrated coffee-houses; where rooms are peculiar, and tables for irreligion, like the rota for politics: and it is as unseemly for a reasonable, conformable person to come there, as for a clergyman to frequent a bawdy-house: and the best are but rendezvous of cheats of one species or other. And the use is much improved by a new invention called chocolate-houses, for the benefit of rooks and cullies of quality, where gaming is added to all the rest, and the summons of whores seldom fails; as if the devil had erected a new university, and these were his colleges, and residences of his professors, as well as his schools of discipline. This way of passing time might have been stopped at first, before people had possessed themselves of some convenience from them, of meeting for short dispatches, and (it were hard if no good use might be made of them) passing evenings with small expence. By which means, however legally, it was not prudently done to suppress them; for a convulsion and discontent would unavoidably follow: and that, I believe, was the real cause the proclamation was so soon withdrawn^b."——Such

^a North's Life of lord keeper Guildford, p. 152. 4to. Lond. 1742.

^b North's Examen, p. 141.

are the senseless apologies of this writer for so odious a measure!—“It is not, indeed, to be expected, that men should be suffered to meet together, tumultuously, in order to publish their mutual discontents and wrongs, and to inflame one another: but complaints uttered in their families, or dropped occasionally, or communicated to a friend, can never affect authority. The more men express of their hate and resentment, perhaps, the less they retain; and sometimes they vent the whole that way: but these passions, where they are smothered, will be apt to fester, to grow venomous, and to discharge themselves by a more dangerous organ than the mouth, even by an armed and vindictive hand. Less dangerous is a railing mouth, than a heart filled and inflamed with bitterness and curses; and more terrible to a prince ought to be the secret execrations of his people, than their open revilings, or than even the assaults of his enemies. Of all the blood spilt under Tiberius, and the following tyrants, for words (and for no greater cause a deluge was spilt); how small a part conduced to their security? none, that I remember; but every drop was an indelible stain upon their persons, and upon their government: every drop derived hatred, and consequently weakness and danger upon it. Rigorous punishment for small faults, or for such as in the common opinion pass for none, is a mark of ill politics: it makes the spirit of the administration look hideous and dreadful; and it renders every man, who finds himself liable to the like faults, a capital enemy. Surely it ought to be a maxim in government, that errors which can have no consequences ought to have no punishment.—In truth, where no liberty is allowed to speak of governors, besides that of praising them, their praises will be little believed. Their tenderness and

aversion to have their conduct examined, will be apt to prompt people to think their conduct guilty or weak, to suspect their management and designs to be worse than perhaps they are, and to become turbulent and seditious rather than be forced to be silent.— If princes, whose memory is disliked, had allowed their subjects and co-temporaries to have spoken truth to them, or of them, probably, posterity would not have spoken so much ill, as it is probable they would not then have deserved it; and I am apt to believe, that it had been better for all of them, to have permitted all that could have been said, than to have missed hearing what it importeth them to have heard: better to have heard the disgusts and railings of their people, than that their people were armed against them, or revolted from them; a fate which has befallen some of them, who, having had courtiers over-complaisant, or ears over-tender, learnt that they were dethroned before they had learnt that they were not beloved; and found scarce any interval between the acclamations of flatterers and the strokes of an executioner^a.—"As to personal reflexions on men in power," says the late lord Hervey (who had been himself a minister of state)—"I hold such reflexions not only allowable and just, but always reasonable, and often necessary. I do not mean," continues his lordship, "by this, to defend coarse language and scurrility; and do admit, that the most proper things may be done in an improper manner:—but as I look upon all ministers and magistrates to be the servants of the public; so the public, like every private man in his own family, has a right to examine, and, in common prudence, will examine into every part of the character of every man taken into their service:

^a Gordon's Discourses on Tacitus, vol. IV. p. 319. 12mo. Lond. 1753.

the Exchequer, and forbid payment to be

and those who can give the public any information relating to their characters, not only do their duty to the public, but act likewise for their own interest as members of the public. If any one desires to be employed in the public revenue, do not those who employ him, or ought not those who employ him, to enquire into his character for substance, integrity, and ability? When a man is try'd by the laws of his country, and the facts, with regard to that public transgression of which he is suspected, are doubtful; are not people examined as to his private character, and sentence often pronounced upon him according to the analogy presumed to be between the one and the other? Ministers stand in the same light: their characters ought as much to be canvassed, and their being proper or improper guardians of the people, good or bad stewards for the public, to be guessed at and concluded from the same rules, and the same manner of reasoning. We find in history, and other remnants of antiquity, that this was the custom and practice in the best-constituted governments and the most flourishing societies, and even amongst the men of the first rank and dignity, as well as of the greatest abilities in the most polished times of the most polished nations. Look into the works of Cicero, and you will find all the private vices, as well as public faults, of Catiline, Clodius, Anthony, Piso, and Verres, set forth; and their adulteries, incest, avarice, drunkenness, gluttony, prostitution, and profligacy, as strongly inveighed against, as their faults to the commonwealth: and used as arguments to alarm the senate and the people, and caution both against delegating any power, or placing any confidence in such men, as often as any that are drawn from their oppres-

made even of the most just demands²⁶.

sions, cruelties, peculat, rapaciousness, and other injustices in the exercise of the power they were vested with in their magistracies. This custom likewise prevailed among the Greeks; and indeed, how is it possible for the public to form so true a judgment of the real merit and disposition of men, or to guess how far they are to be trusted, from observing only their actions in the masked conduct of their public life, as from a knowledge of their less-guarded behaviour in private transactions; and by concluding, however appearances may differ, that there always will be a similitude between the one and the other; and that a bad man can never be a good magistrate^a."

²⁶ The Exchequer was shut up, and payment forbid to be made to creditors.] The creditors of the king, here meant, were the bankers. "They were a tribe," says Clarendon, "that had risen and grown up in Cromwells time, and never were heard of before the late troubles; till when, the whole trade of money had passed through the hands of the scriveners. They were, for the most part, goldsmiths; men known to be so rich, and of so good reputation, that all the money of the kingdom would be trusted or deposited in their hands. From the time of the kings return, when though great and vast sums were granted, yet such vast debts were presently to be paid, the armies by land and sea to be presently discharged, that the money that was to be collected in six and six months would not provide for those present unavoidable issues; but there must be two or three hundred thousand pounds gotten together in few days, before they could begin to dis-

^a Lord Hervey's Miscellaneous Thoughts, &c. p. 16. 8vo. Lond. 1742.

—These unjust and arbitrary proceed-

band the armies or to pay the seamen off; the deferring whereof every month increased the charge to an incredible proportion: None could supply those occasions but the bankers, which brought the kings ministers first acquainted with them; and they were so well satisfied with their proceedings, that they did always declare, that they were so necessary to the kings affairs, that they knew not how to have conducted them without that assistance. The method of proceeding with them was thus: As soon as an act of parliament was passed, the king sent for those bankers (for there was never any contract made with them but in his majesty's presence), and he being attended by the ministers of the revenue, and commonly the chancellor and others of the council, the lord treasurer presented a particular information to the king of the most urgent occasions for present money, either for disbanding troops, or discharging ships, or setting out fleets (all which are to be done together, and not by parcels); so that it was easily foreseen what ready money must be provided. And this account being made, the bankers were called in, and told, the king had occasion to use such a sum of ready money within such a day. They understood the act of parliament; and so might determine what money they could lend the king, and what manner of security would best satisfy them. Whereupon one said, He would, within such a time, pay one hundred thousand pounds; another more, and another less, as they found themselves provided; for there was no joint stock amongst them, but every one supplied according to his ability. They were desirous to have eight in the hundred, which was not unreasonable to ask, and the king was willing to give: but upon

ings, we may well suppose, the people had

better consideration amongst themselves, they thought fit to decline that demand, as being capable of turning to their disadvantage: and would leave the interest to the kings own bounty, declaring that themselves paid six in the hundred for all the money with which they were intrusted, which was known to be true^a.— These men, from time to time, had supplied the government with money, and the crown was deeply in their debt; when his majesty, in council, was pleased to declare (Jan. 2, 1671, O. S.) “that seeing all the princes and states, his neighbours, were making great preparations for war, both by sea and land; his majesty, for the safety of his government and people, lookt upon himself as obliged to make such preparations as might be proportionable for the protection both of one and the other: and to that end, he has already given orders for the fitting and preparing a very considerable fleet to be ready against the spring. By this inevitable necessity, his majesty, considering the great charges that must attend such preparations, and, after his serious debates and best considerations, not finding any possibility to defray such unusual expences by the usual ways and means of borrowing moneys, by reason his revenues were so anticipated and engaged, he was necessitated (contrary to his own inclinations), upon these emergencies and the publick safety, at the present, to cause a stop to be made of the payment of any moneys now being or to be brought into his Exchequer, for the space of one whole year, unto any person or persons whatsoever, by virtue of any warrant, securities, or orders, whether registered or not registered

^a Clarendon's Continuation, vol. III. p. 597.

an aversion to. But there was little re-
therein, and payable within that time."—These were
hopeful tidings, we may suppose, to the bankers and
their creditors.—His majesty, however, out of his
great grace and goodness, was pleased to assure them,
that "he would pay them interest at the rate of six *per*
cent.; and, to take away all apprehensions or terror that
might possess any of his subjects spirits, he moreover
declared, that no person whatsoever should be defrauded
of any thing that was justly due to him; nor should
this restraint, to which his majesty had been compelled,
continue longer than a year. And his majesty was
pleased further to declare, that nothing could have
urged him to an act of this nature, but such a conjunc-
ture of affairs, when all the neighbouring princes and
states were making such threatening preparations, that
his government could not be safe without appearing in
the same posture²."—And by another declaration,
dated, Dec. 11, 1672, the stoppage was to be contin-
ued till the May following; which continuance for so
short a time, his majesty says, "was to show his inten-
tions of taking the first opportunity that any way or
means shall offer him, to restore to his good subjects
all that is justly due to them, and render them under
his government both safe and happy."—The king
and his ministers must have been the most abandoned
of men, to frame declarations of this nature in order to
gloss over their villany and injustice. England was in
danger from no prince or state at this time: but
Charles was meditating the ruin of his neighbours, and
the enslaving his country;—one mean of doing
which was—reducing his people to poverty.—

² Declaration, fol. In the Savoy, by the King's Printers.

medy, as his majesty had, for the greatest

When the war was declared, it was not thought advisable immediately to assemble the parliament: but as his majesty was no œconomist, nor his ministers over-honest, necessity compelled him in little more than a year to do it. As the bankers' debt could not well avoid being mentioned, it was spoken of by Shaftesbury, at the opening of the sessions^a, in the following manner:—"The king was forced, for the carrying on of his affairs, much against his will, to put a stop to the payments out of the Exchequer. He saw the pressures upon himself, and growing inconveniences to his people, by great interest, and the difference through all his business between ready-money and orders. This gave the king the necessity of that proceeding; to make use of his own revenue, which hath been of so great effect in this war. But though he hath put a stop to the trade and gain of the bankers; yet he would be unwilling to ruin them, and oppress so many families as are concerned in those debts: besides, it were too disproportional a burden upon many of his good subjects. But neither the bankers nor they have reason to complain, if you now take them into your care, and they have paid them what was due to them when the stop was made, with *six per cent.* interest from that time. The king is very much concerned, both in honour and interest, to see this done. And yet he desires you not to mis-time it; but that it may have only the second place, and that you will first settle what you intend about the supply."——One would think no man could have had the effrontery to have uttered such sentences in full parliament;—no parlia-

^a Feb. 5, 1672.

part of his reign, a pensioned and conse-

ment permit the adviser of so infamous a deed to talk thus, with impunity, in its presence. But we shall find the reason in the following note.——The bankers remained, however, in the same wretched condition. The king himself had no honesty; and the parliament thought itself under no obligation to make good his frauds. To amuse the creditors a little longer, he recommended them once more to the care of his parliament; and his chancellor tried to move compassion by the following strains²: “ There is one word more I am commanded to say concerning that debt is owing to the goldsmiths. The king holds himself in honour and conscience obliged to see them satisfied. Besides, you all know how many widows, orphans, and particular persons, this publick calamity hath overtaken; and how hard it is that so disproportionate a burden should fall upon them, even to their utter ruin. The whole case is so well and generally known, that I need say no more. Your great wisdoms hath not done it at the first; peradventure that the trade of the banker might be suppressed, which end is now attained. So that now your great goodness may restore to those poor people, and the many innocent ones that are concerned with them, some life and assurance of payment in a competent time.”——This was mere talking: for nothing was done by parliament, towards the payment of it, until the 12th of king William; when it was enacted, “ that, in discharge of certain annual perpetual payments and arrears thereof, granted by king Charles II. to several patentees, out of the hereditary excise, the same excise should, from the 26th of December, 1705, stand charged for ever with the payment of three

² Oct. 27, 1673. See Burnet, vol. I. p. 306.

quently an obsequious, corrupt^a parlia-

pounds *per annum*, for the principal sums of the owners, their heirs and assigns, for ever, nevertheless redeemable upon payment of a moiety of the principal sums; by which means the nation became charged with a debt of 664,263*l.* being the moiety of 1,328,526*l.* which these principal sums amounted to, and which is the only debt we are now charged with that had any part of its rise before the Revolution^b."

^a His majesty had, for a long time, a pensioned parliament.] "England can never be undone but by a parliament," said lord Burleigh: and Montesquieu, in an oracular manner, pronounces, that "England will lose its liberty, will perish—when the legislative power shall be more corrupt than the executive^b."—How corrupt the executive power was, we have already, in part, seen: how corrupt the legislative, I shall now shew.—I shall say little of the house of lords, where Charles was known to have great influence. Those who consider the popish peers, the persecuting bishops, the court lords of the time, who sat together, and deliberated for the good of their master, will not wonder to find him capable of accelerating or impeding almost any thing that came before them. The house of commons, as chosen by a free people, and as a numerous body, was with much more difficulty managed: and yet the management of them was necessary, as they alone were capable of supplying those wants which the vices and villainies of his majesty's ministers occasioned. Former kings of the Stuart race had attempted to terrify the most illustrious members of the house of commons, and they had foolishly dared even to maltreat and imprison

^a History of Customs, Aids, &c. part I. p. 30. 8vo. Lond. 1761. ^b Montesquieu's Spirit of Laws, vol. I. p. 230.

ment, destitute of the spirit, the true spi-

them ; but they at length found that they were in the wrong box, by smarting severely for their arbitrary and illegal commitments. The foolish prodigality and waste made of the crown revenues by James and Charles ; together with their pride, weakness, and obstinacy ; rendered them incapable of and indisposed to make use of methods which, as by experiments hath appeared, are more apt to render the members of these assemblies conformable to the royal or ministerial pleasure. Charles saw the error of his family, and for some time avoided it. When measures were to be approved, or actions justified, which common sense contemned and honesty abhorred, then were men bribed to stifle or vote contrary to their sentiments. “ The chief men that promoted the enquiry into the accounts of the money that was given during the first Dutch war, were taken off (as the word then was for corrupting members) ; in which the court made so great a progress, that it was thought the king could never have been prevailed on to part with a parliament so much practised on, and where every mans price was known ; for as a man rose in his credit in the house, he raised his price, and expected to be treated accordingly^a. ”—— “ During the second war, the court desired, at least, 1,200,000*l.* for the carrying it on. The great body of those that opposed the court, had resolved to give only 600,000*l.* which was enough to procure a peace, but not to continue the war. Garroway and Lee had led the opposition to the court all this session in the house of commons ; so they were thought the properest to name the sum. Above eighty of the chief of the party had

^a Burnet, vol. I. p. 268.

rit of freedom and patriotism. And lest

met over night, and had agreed to name 600,000*l.* But Garroway named 1,200,000*l.* and was seconded in it by Lee. So this surprize gained that great sum, which enabled the court to carry on the war. When their party reproached these persons for it, they said, they had tried some of the court as to the sum intended to be named, who had assured them, the whole agreement would be broke if they offered so small a sum: and this made them venture on the double of it. They had good rewards from the court: and yet they continued still voting on the other side^a.—Such was the shameless corruption of the legislative and executive powers! such the abandoned impudence of false patriots in these evil times! Are we to wonder that such infamous actions, as the attempt on the Dutch Smyrna fleet; the second Dutch war; and the breach of faith with the bankers, and the consequent ruin of them, and their creditors; passed unimpeached, uncensured? In preceding times, the authors of them would have met with due vengeance.—Not but there were men of sense, virtue, and integrity, in this assembly: men who had spirit and resolution enough to point out and expose the base measures of this reign. By them the eyes of the nation, the eyes of many members, were opened. But they had not strength to carry their motions; but were over-ruled, over-borne, by a pensioned majority. In the matters of the declaration against the dispensing power, and the bills against property, they were successful: but when their numbers increased, and they became troublesome, by observing and censuring the wicked deeds of those in power; the

^a Burnet, vol. I. p. 351.

the nation, sensible of their manifold op-

parliament, this pensioned parliament, which began May 8, 1661, was dissolved, Jan. 25, 1678, O. S.—In the dialogue between two horses, written in 1674, by A. Marvel, we find this parliament characterized in the following manner :

“ CHAR.

“ That traytors to th’ country, in a brib’d house of commons,
Should give away millions at every summons.

“ WOOL.

“ Yet some of those givers, such beggarly villains,
As not to be trusted for twice twenty shillings.

“ CHAR.

“ No wonder that beggars should still be for giving,
Who out of what’s given do get a good living.

“ WOOL.

“ Four knights and a knave, who were burgesses made,
For selling their conscience were liberally pay’d.

“ CHAR.

“ How base are the souls of such low-prized sinners,
Who vote with the country for drink and for dinners !”

The same gentleman (an independent member of this house, and a man of strict honour), in a letter to a friend, speaking of some court transactions with the parliament, observes, “ Nevertheless, such was the number of the constant courtiers, increased by the apostate patriots, who were bought off, for that turn, some at six, others ten, one at fifteen thousand pounds in money, besides what offices, lands, and reverions to others, that it is a mercy they gave not away the whole land and liberty of England.—The house of commons,” says he, soon afterwards, “ has run almost to the end of their line ; and are grown extreamly charge-

pressions and cruel treatment from a prince

able to the king, and odious to the people^a."—Indeed the cry against them was so great without doors, and the hatred of all honest men within, that we are not to wonder at the freedom with which they were treated.—I have now before me a very curious, and I believe an exceeding scarce pamphlet; supposed to be written by the abovementioned Mr. Marvel. The title is, "A seasonable argument to perswade all the Grand Juries in England to petition for a new parliament: or, A list of the principal labourers in the great design of popery and arbitrary power, who have betrayed their country to the conspirators, and bargained with them to maintain a standing army in England, under the command of the bigotted popish duke, who, by the assistance of lord Lauderdale's Scotch army, the forces in Ireland, and those in France, hopes to bring all back to Rome." Amsterdam, 1677, 4to.—The members here are classed under their respective counties, their characters delineated, and their gain specified. Among many other equally illustrious characters, we find "Sir Robert Sawyer, a lawyer, of as ill reputation as his father, has had for his attendance this session 1000*l.* and is promised (as he insinuates) to be attorney general, and speaker of the house of commons.—Sir William Drake, Bart. under the command of his father-in-law, the chief baron Montague, who enjoys 1500*l.* during the kings pleasure.—Sir Thomas Hatton, a man of no estate but his pension.—William, Lord Allington, in debt very much; a court pensioner, and in hopes of a white staff. A cully.—Sir Jonathan Trelawney, Bart. one that is

^a Marvel's Works, vol. II. p. 74.

on whom they had conferred the highest

known to have sworn himself into 4000*l.* at least, in his account of the prize-office. Controller to the duke: and has got, in gratuities, to the value of 10,000*l.* besides what he is promised for being informer.—Thomas King, Esq; a pensioner for 50*l.* a session, &c. meat, &c. drink, and now and then a suit of cloaths. Sir Robert Holmes, first an Irish livery-boy, then a highwayman, now bashaw of the Isle of Wight; got, in boons, and by rapine, 100,000*l.* the cursed beginner of the two Dutch wars.—Thomas Price, Esq; 500*l.* given him, and 300*l.* *per annum* pension, and protection at Whitehall during prorogations.—Charles, earl of Ancram, a poor Scot, 500*l.* *per annum* pension.—Sir Joseph Williamson, once a poor foot-boy, then a servitor, now principal secretary of state, and pensioner to the French king. —Samuel Pepys, Esq; once a taylor, then serving-man to the lord Sandwich, now secretary to the admiralty: got, by passes and other illegal ways, 40,000*l.* —Sir George Downing, a poor child, bred upon charity: like Judas betrayed his master. What then can his country expect? He drew and advised the oath of renouncing the kings family, and took it first himself. For his honesty, fidelity, &c. rewarded by his majesty with 80,000*l.* at least, and is a commissioner of the customs: the house-bell, to call the courtiers to vote at 6 o'clock at night: an exchequer-teller.—Sir Job Charlton, serjeant at law, chief justice of Chester: a dull Welch judge: 500*l.* *per annum* for his speakers place.—Sir Edmond Wyndham, knight-martial, in boons 5000*l.* His wife was the king's nurse.—Leviston Gower, Esq; son-in-law to the earl of Bath: had a great estate fell to him by chance; but honesty and wit never came by accident.

obligations, in the time of most deep

Baptist May, Esq; privy-purse: 1000*l.* *per annum* allowance: got besides in boons, for secret service, 4000*l.* This is he that said, 500*l.* *per annum* was enough for a country gentleman to drink ale, eat beef, and to stink with, &c.—Sir Stephen Fox, from a poor foot-boy, and then singing-boy, has got in places by the court 150,000*l.* clerk of the green-cloth.— Edward Seymour had, for four years, 2,000*l.* pension to betray the country party, for which he then appeared. But, since, he hath shewn himself bare-faced, and is treasurer of the navy, and speaker; one of the commissioners of the admiralty, and of the popish cabal.— Sir Leonel Jenkins, son of a taylor, judge of the admiralty; was in hopes to be archbishop of Canterbury: employed in four embassies; and whose indefatigable industry in procuring a peace for France has been our —. He affirmed, in the house of commons, that upon necessity the king might raise moneys without act of parliament.”—These are some of the very many worthies mentioned by this writer; who, sensible of the mistakes and imperfections which necessarily attend a work of such a kind, “begs pardon of the gentlemen here named, if he has for want of better information undervalued the price and merit of their voices, which he shall be ready upon their advertisement to amend: but more particularly he must beg the excuse of many more gentlemen, no less deserving, whom he hath omitted; not out of any malice, or for want of good will, but of timely notice: but in general the house was, if they please to remember, this last session, by three of their own members told, that they were several papists, fifty out-laws, and pensioners without number; so that, upon examination, they may

distress, finding no remedy from those to

arrive at a better knowledge amongst themselves, and do one another more right, than we (however well affected) can possibly do without doors."—The heralds and genealogists may possibly object to the account of the birth, parentage, and education of some of these gentlemen, as being inconsistent with that which, by much labour, skill, and invention, they have published: but, I think, no reasonable man can judge any wrong was done them by exposing them to the scorn and detestation of the people. This, in the eyes of our best patriots, was thought by much too moderate a punishment. Mr. Booth, afterwards lord Delamere, in a speech made in the next parliament, having observed "that there was never any pensioners in parliament till this pack of blades were got together;" adds, "What will you do? Shall these men escape; shall they go free with their booty; shall not the nation have vengeance on them, who had almost given up the government? It was they who had perverted the ends of parliaments. Parliaments have been, and are, the great refuge of the nation; that which cures all its diseases, and heals its sores. But these men had made it a snare to the nation; and, at best, had brought it to be an engine to give money. If therefore these go away unpunished, we countenance what they have done, and make way to have pensioners in every parliament: but far be any such thought from any man that sits within these walls. And having said this, I will, in the next place, humbly offer my thoughts what is to be done. In the first place, I do propose, that every man of them shall, on their knees, confess their fault to all the commons; and that to be done at this bar, one by one. Next; that, as far as they are able,

whom they had entrusted their liberties,

they refund all the money they have received for secret service. Our law will not allow a thief to keep what he has got by stealth; but, of course, orders restitution: and shall these proud robbers of the nation not restore their ill-gotten goods? And, lastly, I do propose, that they be voted incapable of serving in parliament for the future; or of enjoying any office, civil or military; and order a bill to be brought in for that purpose: for it is not fit that they, who were so false and unjust in that trust, should ever be trusted again. This, Sir, is my opinion: but if the house shall incline to any other way, I shall readily comply, provided a sufficient mark of infamy be set on them, that the people may know who bought and sold them^a."—These were the sentiments of a true patriot: sentiments which, however now sneered at or despised by the ambitious, the luxurious, the covetous, or the necessitous tools of power; will always be venerated, approved, and applauded by every virtuous freeman and Briton, who is sensible of the waste made on our excellent constitution by so infamous practices.——In the Journal of the house of commons, May 10, 1679, we find, that "Mr. Charles Bertie, being called in and examined to several questions, and then being withdrawn; it was resolved, That the house was not satisfied with the answers given by Mr. Bertie.—Sir Robert Howard informed the house, that there had been paid to Mr. Bertie, for secret service, from Ladyday, 1676, to the 20th of March, 167⁸, the sum of two hundred fifty-two thousand four hundred sixty-seven pounds one shilling and nine-pence. Ordered, That Mr. Charles Bertie be com-

^a Delamer's Works, p. 119.

in confidence of their honour, integrity and

mitted to the custody of the serjeant at arms attending this house, for his contempt to this house."—And in the Journal, May 23, 1679, we read, that "the house being informed that Sir Stephen Fox had paid several sums of money to some of the members of the last parliament; and that he has books of account to evidence the same: it was ordered, that Sir Stephen Fox be immediately sent for to attend this house; and do bring with him all the books, and papers of accompts, of any money he has paid to any members of the last parliament, and others, for keeping public tables: and that Sir John Hotham, Sir Robert Peyton, and Sir John Holman, do acquaint him with this order. Ordered, That Sir Stephen Fox do forthwith produce to this house, his ledger-book, cash-book, and journal, and his receipts for money by him paid for secret service: and that Sir John Hotham, Sir Robert Peyton, and Sir John Holman, do accompany the said Sir Stephen Fox: and that he is enjoined not to go out of the company of the said members before they return to the house. Ordered, That no member do depart the service of this house, until Sir Stephen Fox and the other members do return. Ordered, That Sir Francis Winnington do, to-morrow morning, make a report of the informations given to the committee of secrecy, touching money paid for secret service to any of the members of the last parliament."—The reasons of Mr. Bertie's commitment are said to be his unsatisfactory answers, and his contempt of the house: and he could not, indeed, pretend that he was hardly dealt by. For after several evasive replies to the questions put to him, all that was to be got from him was, "that by the kings order he paid the money.—If he had

justice: lest the people, I say, roused by a

the kings leave and command, he would answer; but he never discovered the kings secrets without his commands; and the treasurers orders were in pursuance of the kings commands. If the king," added he, "pleases to give me his commands, I am ready to inform you. In that book of all the particulars of secret service, I trusted nobody to write it: I wrote it fair; and confess, I took a copy of it. The acquittances were my vouchers; and who signed them, I humbly desire not to declare without the kings leave."—This, indeed, was a confession of the fact; but such a confession, as was not available to the ends of public justice. Whereupon Mr. Williams said, "All is laid upon the king. Men are come to that degree of confidence, that it will never be well till you make them great examples. The last parliament, the nation was mightily induced to the French war, by the encouragement of some of your members; and you had a poll-bill for the use of the navy, and the officers of the navy treated with the merchants for several things; and you were told, that the money was in the navy-office in a room by itself. As soon as they got the merchants goods, this Mr. Bertie, by his tricks, paid them nothing; and converted the money to another use.—Look into the Records, and you will find one article against the duke of Somerset, 'that he had corrupted parliament men.' It was one of the chief articles, &c. and shall we be afraid to do less? Nothing contributes more to the destruction of a nation than this. Where a man has done so ill, I would make no scruple, by the legislative authority, to cut him off. Lay your hands on your hearts. I think, this man is guilty, &c. who can inform you and will not. I would, therefore, imprison

sense of injury, should endeavour to take

him ; and when such men as he can inform you and will not, I would squeeze the orange and make them refund ^a." — Fox finding the house determined to enter into the bottom of this matter, after many put-offs and excuses, went with Hotham and the other members to Whitehall for the books : " where Fox called his servants to bring such books as they had in their custody, and sent for other servants that had the rest. Some great books were brought into the room : but whilst he sent for the acquittances, the lord chamberlain [Arlington] came in, and spoke to Fox. Fox said, these gentlemen are some members of the house, and I shall not speak without their hearing. My lord chamberlain said, I take notice you are employed to search for books and papers ; but you shall not take any away out of Whitehall. Hotham replied, Some, it seems, do make friends of the unrighteous mammon. Your lordship has quick information of what we came about, for our house doors were shut. My lord chamberlain saw the mistake, and would have debated some things ; but Hotham said, He was not sent to argue this, or that ; but to obey his order. My lord chamberlain was very desirous to tell the members why those books were not to be taken out of Whitehall ; but Hotham said, Let me have what your lordship would say in writing, and I will inform the house of it. But Arlington replied, That he dared not consent that any books should go out of Whitehall without the kings orders ; nor that they should inspect any books without the kings command : — but he believed, that if the house addressed the king, they might have their

^a Grey's Parliamentary Debates, vol. VII. p. 234.

vengeance on the ministers of lawless pow-

desire^a."—The commons finding the books were not so easily to be come at, ordered Fox, upon his memory, to name, to the house, such members of the last parliament as he paid money to for secret service. On this Fox observed, " That he was under hard circumstances; either to disobey the house, or to divulge a secret by the king's command. I can name so few persons, that it will give no satisfaction to the house. I named none but what the committee named to me; and my memory is not good enough to repeat it. It may be the persons may have an action against me. Upon my memory I cannot tell who I paid money to for secret service, and who upon other accounts. I humbly pray that I may not be put to answer."—This did not satisfy: but the clerk was ordered to read the names of the members, one by one, in the catalogue; beginning with the speaker. Under this necessity, Fox "named Mr. Seymour, speaker, at the end of every session to have received 1500*l.* as Sir Edward Turner had received before him. After this worthy leader, he mentioned Sir Charles Wheeler, Sir Jonathan Trelawney, Robert Roberts, Sir Philip Howard, Sir Courtenay Poole, and others, to the number of 27^b."—A few of these, he said, had the money on account of being put out of employment, by reason of some forms, or of the king's bounty: though it was easy enough to see the true reason of their having the allowance.—The matter still did not rest.—On the 24th of May, 1679, Sir Francis Winnington reported, from the committee of secrecy, " that there was 20000*l.* *per annum* paid quarterly, by the commissioners of excise, for secret

^a Grey's Parliamentary Debates, vol. VII. p. 321.

^b Id. p. 322.

er, and claim the liberties they had so

service, to members, &c. mostly by Mr. Charles Bertie, whereof no account was given to the exchequer but for secret service. Bertie was examined, at the committee, whether he paid any of the 20,000*l.* to members of parliament? He answered, That he had a privy seal to pay it without account; and he was not at liberty to tell how he disposed of the money, till he had the kings command. Next, though Sir Stephen Fox has taken a great deal of matter out of my hands; yet there are some more than he has acquainted you with, who have received money: viz. to Sir Richard Wiseman; and one Knight, which Wiseman paid, by a false name; each of them 400*l. per annum.* Mr. Roberts, at one or two payments, 500*l.*; and Mr. Price, 400*l.* Sir John Fowel, at twice, had 500*l.* of Fox. Poole, Talbot, and Wheeler, as mentioned before by Fox. Now that I have summed up the substance of other evidence from payments in Danby's time, there came in tallies of 20,000*l. per annum*, for secret service, out of the ex-cise. Major Huntington, and Sir John James, paid the money. Sometimes the money was paid before the quarter day; and when tallies were struck, papers were delivered back. A book of names there was, to whom money was paid. And Bertie had an agent, who says, that, after the treasurer was impeached, about the 24th of December, Bertie came in great haste to him for that book, with all letters and acquittances, and that book has many false names in it. And if he saw the book, he could tell what members were concerned, and under what head he stands. The book of 20,000*l.* was increased by Danby in his time; for formerly it was not above 12,000*l. per annum* for pensions. Farther, there was paid out of the exchequer, for Mr.

wickedly been deprived of; a thing much

Chiffins, who delivered about a hundred acquittances to Bertie. Before the parliament did sit, there were greater sums paid than at other times. The paper the committee took, &c. mentions other persons. Sir Joseph Tredenham had 500*l. per annum*; and Mr. Piercy Goring 300*l. per annum*. Sir Robert Holt had several sums to maintain him in prison. Sir William Glascott, and Sir John Bramptone, had several sums; but he could not discover the particulars. Wiseman, King, and Trelawney, offered to sell their pensions to the commissioners of excise; and did pretend, that they might have money beforehand, and the commissioners had a discount of 12 *per cent*^a.—Upon this report, many things were said. However, the pensioners had liberty to speak for themselves. Seymour was angry at his having been mentioned by Fox; but denied not his receiving the money. Others made excuses in the best manner they were able: and a few behaved with effrontery. But the house, in the temper it was in, would certainly have passed a heavy censure on them; had they not been suddenly dissolved, in order to screen Danby and these wretched miscreants.— I have been thus long on this subject, in order to fix the æra of corruption amongst us:—of corruption, which has, since, walked about even at noon-day: bidding defiance to honour, to virtue, to the community; and threatening to overturn the foundations of free government. May the names of its projectors and fautors be condemned to eternal infamy!—It will be but justice, however, to hear what is said by way of apology for this parliament. Lord Bolingbroke

^a Grey's Parliamentary Debates, vol. VII. p. 326.

feared, because merited by these vile op-

makes it; and from him it is here recited. "When I reflect," says he, "on the particulars here mentioned [the voting down the standing army, and projecting the exclusion of the duke of York], and a great many others, which might be mentioned to the honor of this parliament; I cannot hear it called the pensioner parliament, as it were by way of eminence, without a degree of indignation; especially in the age in which we live, and by some of those who affect the most to bestow upon it this ignominious appellation. Pensions, indeed, to the amount of seven or eight thousand pounds, as I remember, were discovered to have been given to some members of the house of commons. But then let it be remembered, likewise, that this expedient of corrupting parliaments began under the administration of that boisterous, over-bearing, dangerous minister, Clifford. As long as there remained any pretence to say that the court was in the interest of the people, the expedient of bribery was neither wanted nor practised. When the court was evidently in another interest, the necessity and the practice of bribing the representatives of the people commenced. Should a parliament of Britain act in compliance with a court, against the sense and interest of the nation; mankind would be ready to pronounce very justly, that such a parliament was under the corrupt influence of the court. But, in the case now before us, we have a very comfortable example of a court, wicked enough to stand in need of corruption, and to employ it; and of a parliament virtuous enough to resist the force of this expedient: which Philip of Macedon boasted that he employed to invade the liberties of other countries; and which had been

pressors. A standing army was kept up

so often employed by men of less genius, as well as rank, to invade the liberties of their own. All that corruption could do, in this parliament, was to maintain the appearance of a court-party, whilst the measures of the court united a country party in opposition to them. Neither places nor pensions could hinder courtiers in this parliament from voting, on many signal occasions, against the court; nor protect either those who drew the king into ill measures, nor those who complied with him in them. Nay, this pensioner parliament, if it must still be called so, gave one proof of independency, besides that of contriving a test, in 1675, to purge their members, on oath, from all suspicion of corrupt influence; which ought to wipe off this stain from the most corrupt. They drove one of their paymasters out of court, and impeached the other in the fullness of his power; even at a time when the king was so weak as to make, or so unhappy as to be forced to make, on account of pensions privately negotiated from France, the cause of the crown and the cause of the minister one, and to blend their interests together^a.—A. Sidney's account of this hopeful set of men, whose characters he well knew, shall close the note.—“Our kings,” says he, “had not wherewithall to corrupt many, till these last twenty years; and the treachery of a few was not enough to pass a law. The union of many was not easily wrought, and there was nothing to tempt them to endeavour it; for they could make little advantage during the session, and were to be lost in the mass of the people, and prejudiced by their own laws as soon as it was ended.

^a Dissertation on Parties, p. 31. 8vo. Lond. 1739.

They could not, in a short time, reconcile their various interests or passions, so as to combine together against the public; and the former kings never went about it. We are beholden to Hyde, Clifford, and Danby, for all that has been done of that kind. They found a parliament full of lewd young men, chosen by a furious people in spite to the puritans, whose severity had distasted them. The weakest of all ministers had wit enough to understand that such as these might be easily deluded, corrupted, or bribed. Some were fond of their seats in parliament, and delighted to domineer over their neighbours by continuing in them. Others preferred the cajolaries of the court before the honor of performing their duty to the country that employed them. Some thought to relieve their ruined fortunes, and were most forward to give the king a vast revenue, that from thence they might receive pensions. Others were glad of a temporary protection against their creditors. Many knew not what they did when they annulled the triennial act; voted the militia to be in the king; gave him the excise, customs, and chimney-money; made the act for corporations, by which the greatest part of the nation was brought under the power of the worst men in it; drunk or sober, passed the five-mile act, and that for uniformity in the church. This emboldened the court to think of making parliaments to be the instruments of our slavery, which had in all ages past been the firmest pillars of our liberty. There might have been, perhaps, a possibility of preventing this pernicious mischief in the constitution of our government. But our brave ancestors could never think their posterity would degenerate into such baseness, as to sell themselves and their country. But how great soever the danger may be, 'tis less than to put all into the hands of one man and his ministers,

without law²⁸, and contrary to the declared

The hazard of being ruined by those who must perish with us, is not so much to be feared as by one who may enrich and strengthen himself by our destruction. 'Tis better to depend upon those who are under a possibility of being again corrupted, than upon one who applies himself to corrupt them because he cannot otherwise accomplish his designs. It were to be wished that our security were more certain; but this being, under God, the best anchor we have, it deserves to be preserved with all care, till one of a more unquestionable strength be framed by the consent of the nation²⁹."

²⁸ A standing army was kept up without law.] Mr. Trenchard, in his excellent "Short History of Standing Armies in England," after having pointed out many of the enormities of Charles's reign; observes, "that he durst not have dreamed of all these violations, if he had not had an army to justify them. He had thoughts, at first, of keeping up the parliament army, which was several times in debate: but chancellor Hyde prevailed upon him by this argument, that they were a body of men that had cut off his fathers head; that they had set up and pulled down ten several sorts of government; and that it might be his own turn next. So that, his fears prevailing over his ambition, he consented to disband them; but soon found how vain and abortive a thing arbitrary power would prove without an army. He therefore tried all ways to get one: and, first, he attempted it in Scotland; and, by means of the duke of Lauderdale, got an act passed there, whereby the kingdom of Scotland was obliged to raise 20,000 foot and 2,000 horse, at his majesty's call, to

²⁹ Discourses on Government, p. 456. Edit. 1763. 4to.

sense of almost all the parliaments of this

march into any part of his dominions. Much about the same time he raised guards in England (a thing unheard of before in our English constitution); and, by degrees, increased them, till they became a formidable army: for, first, they were but very few; but by adding, insensibly, more men to a troop or company, and then more troops or companies to a regiment^a, before the second Dutch war, he had multiplied them to near 5,000 men. He then began that war in conjunction with France; and the parliament gave him two millions and a half to maintain it, with part of which money he raised 12,000 men, which were called the Black-Heath army (appointing marshal Schomberg to be their general; and Fitz Gerald, an Irish papist, their lieutenant general), and pretended he raised them to attack Holland; but, instead of using them to that purpose, he kept them encamped upon Black-Heath, hovering over the city of London; which put both the parliament and city in such confusion, that the king was forced at last to disband them. But there were several accidents contributed to it: first, the ill success he had in the war with the Dutch, such gallantries being not to be attempted but in the highest raptures of fortune: next, the never-to-be-forgotten generosity of that great man, general Schomberg, whose mighty genius scorned so ignoble an action as to put chains upon a free people: and, at last of all, the army themselves mutiny'd for want of pay; which, added to the ill humours that were then in the nation, made the king willing to disband them. But, at the same time,

^a It appears, from the Memoirs of Sheffield, duke of Buckingham, that the first regiment of foot guards consisted of two thousand four hundred men. Sheffield's Works, vol. II. p. 27.

reign.—But Charles, notwithstanding the

contrary to the articles of peace with the Dutch, he continued 10,000 men in the French service, for the most part under popish officers, to be seasoned there in slavish principles, that they might be ready to execute any commands when they were sent over. The parliament never met, but they addressed the king to recall these forces out of France, and disband them; and several times prepared bills to that purpose, which the king always prevented by a prorogation; but at last was prevailed upon to issue forth a proclamation to recall them, yet at the same time supplied them with recruits, encouraged some to go voluntarily into that service, and pressed, imprisoned, and carried over others by main force: besides, he only disbanded the new-raised regiments, and not all of them neither; for he kept up in England five thousand eight hundred and ninety private men, besides officers, which was his establishment in 1673. The king having two great designs to carry on together, viz. popery and arbitrary power, thought this force was not enough to do his business effectually; and therefore cast about how to get a new army, and took the most plausible way, which was pretending to enter into a war with France; and to that purpose sent Mr. Thyn to Holland, who made a strict league with the States: and immediately upon it the king called the parliament, who gave 1,200,000 pounds to enter into an actual war with France, with which money he raised an army of between twenty and thirty thousand men within less than forty days, and sent part of them to Flanders. At the same time he continued his forces in France, and took a sum of money from that king to assist him in making a private peace with Holland: so that, in

many soothing speeches put into his mouth

stead of a war with France, the parliament had given a great sum to raise an army to enslave themselves. But it happened about this time that the popish plot broke out, which put the nation in such a ferment that there was no stemming the tide; so that he was forced to call the parliament, which met the 23d of October, 1678, who immediately fell upon the popish plot and the land army. Besides, there were discovered 57 commissions granted to papists to raise men, countersigned, J. WILLIAMSON [Secretary of State]; for which, and saying the king might keep guards if he could pay them, he was committed to the Tower. This so enraged the parliament, that they immediately proceeded to the disbanding of the army, and passed an act that all forces raised since the 29th of September, 1677, should be disbanded; and gave the king 693,388 pounds to pay off their arrears, which he made use of to keep them up, and dissolved the parliament; but soon after called another, which pursued the same counsels, and passed a second act to disband the army; gave a new sum for doing it, directed it to be paid into the chamber of London, appointed commissioners of their own, and passed a vote that the continuance of any standing forces in this nation, other than the militia, was illegal, and a great grievance and vexation to the people; so that army was disbanded. Besides this, they complained of the forces that were in France, and addressed the king again to recal them; which had some effect, for he sent over no more recruits, but suffered them to wear out by degrees. The establishment, upon the dissolution of this army, which was in the year 1679, were 5650 private soldiers, besides officers. From this time he never agreed with his people,

by his ministers, valued not parliaments

but dissolved three parliaments following for enquiring into the popish plot; and in the three last years of his reign called none at all. And, to crown the work, Tangier is demolished, and the garrison brought over and placed in the most considerable ports in England; which made the establishment, in 168 $\frac{3}{4}$, 8482 private men, besides officers. 'Tis observable, in this king's reign, that there was not one sessions but his guards were attacked, and never could get the least countenance from parliament: but, to be even with them, the court as much discountenanced the militia, and never would suffer it to be made useful. Thus, we see, the king husbanded a few guards so well, that, in a small number of years, they grew to a formidable army, notwithstanding all the endeavours of the parliament to the contrary: so difficult it is to prevent the growing of an evil that does not receive a check in the beginning. He increased the establishment in Ireland to 7700 men, officers included: whereas they never exceeded, in any former reign, 2000, when there was more occasion for them: the Irish not long before having been entirely reduced by Cromwell, and could never have held their heads up again without his countenance. But the truth of it was, his army was to support the Irish, and the fear of the Irish was to support his army^a.—I believe this narrative to be pretty exact.—In the Journals we find it resolved, Feb. 7, 1673, “that the continuing any standing forces in this nation, other than the militia, is a great grievance and vexation to the people: and that it is the humble petition of this house, to his majesty, that he

^a Short History of Standing Armies, p. 25—30. 8vo, Lond. 1739,

much more than his father, when they any

will immediately cause to be disbanded that part of them that were raised since the first of January, 1663." His majesty hereupon promised to reduce them to a less number².—We are told, "this matter gradually led the house into an uncommon debate concerning the kings guards, which had been established soon after the Restoration; and these following reasons were given in for disbanding the horse and foot guards, commonly called the kings life-guard :

" 1. That, according to the laws of the land, the king hath no guards but those called gentlemen pensioners and yeomen of the guard.

" 2. That ever since this parliament, altho' there have been so many sessions, they never settled the life-guard by act of parliament; nay, they have been so far from it, that whensoever they have been so much as mentioned in the house of commons, they would never in the least take any favourable notice of them, always looking upon them as a number of men unlawfully assembled, and in no respect fit to be the least countenanced by the parliament of England.

" 3. That they are of a vast charge to the king and kingdom.

" 4. That they are altogether useless to this kingdom; as doth plainly appear by his majesty's most happy and peaceable reign since his blessed restoration; there being so much real and mutual love, confidence, and trust, between his majesty and his good people, which is daily manifested by his majesty's fre-

² Journal, Feb. 11, 1673.

way obstructed his views and designs; as
quent trusting and exposing his sacred person to his
people without a guard.

“ 5. That guards, or standing armies, are only
in use where princes govern more by fear than by
love; as in France, where the government is arbit-
rary.

“ 6. That this life-guard is a standing army in dis-
guise; and that as long as they continue, the roots of
a standing army will remain amongst us: and there-
fore it is impossible effectually to deliver this nation
from a standing army, till these guards are pulled up
by the roots.

“ 7. That the life-guard is a place of refuge and re-
treat for papists, and men popishly affected; and a
school and nursery for men of arbitrary and debauched
principles, and favourers of the French government;
as it did too plainly appear in the case of Sir John Co-
ventry.

“ 8. That if the life-guard were disbanded, the king
would thereby save some hundred thousand pounds
per annum; which would in a few years enable him to
pay all his debts without burthening his good people
with any farther taxes to that end^a.”

This zeal, against guards and standing armies, will,
I doubt not, appear very strange to many readers, who
have been long used to see and talk of them with great
indifferency and unconcern: but we are to remember,
that the army of Charles was kept up without law, and
filled the minds of men with the most dismal apprehen-
sions. Our army, since the Revolution, has, from year

^a *Torbuck's Parliamentary Debates*, vol. I. p. 63.

to year, been kept up by parliamentary authority; and afforded very fine provision for numberless gentlemen, who, otherwise, would have been in a starving condition. No wonder then we hear it not said of these, as it was said of those, by the parliament-men of that time, “There go our masters^a.”—These standing guards, in time of peace, all the great lawyers of England declared to be illegal from the first; and such a force upon the nation as the law abhors. The lord chief justice Vaughan had the honesty and courage to tell my lord Macclesfield so, though he then commanded and was at the head of them. My lord very honourably remembered this, as an instance of that great man’s integrity.—But the guards became more formidable afterwards, when an undertaker offered, with a thousand of their horse, of which they had always more, to go and conquer the city of London, in a contemptuous manner; and when, with their detachments, and filling up again with new men, they could at any time form an army. They had likewise their nursery of Tangier within call; and, when they saw their time, it came over^b.”—Mr. Johnson has not heightened the apprehensions men, at this time, had of these guards or forces. For we find Mr. Russel, in the house of commons, saying, “Without betraying our trust, we must vote these standing forces a grievance. There are still designs, about the king, to ruin religion and property. Public business is the least of their concern. A few upstart people, making hay whilst the sun shines, set up an army to establish their interest: and he would have care taken, for the future, that no army be raised for a cabal-interest. It was said the last session, by a gentleman, that the war was

^a Johnson’s Works, p. 312.

^b Id. ibid.

made rather for the army, than the army for the war. This government, with a standing army, can never be safe: we cannot be secure in this house; and some of us may have our heads taken off^a.”—Sir Robert Atkins, speaking of lord Russel's accusation, in his indictment, of conspiring to seize and destroy the king's guards, says, “ The guards; what guards? What or whom does the law understand or allow to be the kings guards for the preservation of his person? Whom shall the court that tried this noble lord, whom shall the judges of the law that were then present, and upon their oaths, whom shall they judge or legally understand by these guards? They never read of them in all their law-books. There is not any statute-law that makes the least mention of any guards. The law of England takes no notice of any such guards; and therefore the indictment is uncertain and void. The king is guarded by the special protection of Almighty God, by whom he reigns, and whose vicegerent he is. He has an invisible guard; a guard of glorious angels.

“ Non eget Mauri jaculis, nec arcu;
 Nec venenatis gravida sagittis
 (Crede) pharetra.

“ The king is guarded by the love of his subjects; the next under God, and the surest guard. He is guarded by the law, and courts of justice. The militia and the trained bands are his legal guard, and the whole kingdoms guard. The very judges that tried this noble lord were the kings guards, and the kingdoms guards, and this lord Russells guard against all erroneous and imperfect indictments, from all false evidence and proof, from all strains of wit and oratory misapplied and abused by counsel. What other guards are

^a Grey's Debates, vol. II. p. 393.

there? We know of no law for more. King Henry the Seventh of this kingdom (as history tells us) was the first that set up the band of pensioners: since this, the yeomen of the guard; since them, certain armed bands, commonly now-a-days called (after the French mode) the kings life-guard, ride about, and appearing with naked swords, to the terror of the nation. But where is the law? where is the authority for them^a?"

—Thus talked some of our fathers, who had been witness to the mischiefs perpetrated by mercenary, illegal bands.—Let us now hear what was said in defence of the keeping up standing forces. "Our army in England," said lord Mulgrave, in answer to lord Halifax's character of a trimmer, "augmented as it is, and well disciplined as it ought to be, is but an assistance to the *posse-comitatus*; and a general, in effect, does but obey a constable. Upon this ground I dare conclude, that a competent force, in defence of the kings person and prerogative, is as necessary a support of the government as the law-courts are in Westminster-hall: but who can help it if the trimmers eyes are so dazzled with the glittering of a little army on Putney-heath, and his ears so stunned with trumpets and kettle-drums, that he has quite forgotten the opposition that has been made, these last fifty years, to the undoubted right of the crown; and, consequently, to the peace of the nation? Let him but think well of the factious and republican principles among us, and of the unparalleled boldness our nation always shews in the worst designs as well as the best; and my good opinion of our trimmer gives me almost an assurance, that he will conclude, ten thousand soldiers are now as necessary to the kings safety, and the peoples quiet, as

^a Defence of Lord Russel's Innocency, p. 14, fol. Lond. 1639.

ever the band of pensioners and yeomen of the guard were heretofore. And I am confident, that he will believe that, as in times of great oppression and injustice, it would not be indecent for the house of commons to desire moderate laws for their future preservation against it; and that they ought not for that to be suspected of rebellion: so when the balance is too much on the other side, and kings only are in danger; it is sure at least as fitting, and as reasonable, for them to increase their guards and strength, which ought not to breed the least suspicion in their subjects^a." An admirable sort of reasoning this, truly! to see chains forging for us, and yet to be without suspicion of the forgers intending to manacle and inslave us! But the writer had a command in the army; was a prerogative man; and devoted to the measures, the infamous measures, of his master.—The danger from these men is well described by many political writers. Among these, Mr. Gordon observes, "that no government can subsist but by force; and wherever that force lies, there it is that government is or soon will be. Free states therefore," adds he, "have preserved themselves, and their liberties, by arming all their people; because all the people are interested in preserving those liberties: by drawing out numbers of them thus armed, to serve their country occasionally; and by dissolving them (when that occasion was over) into the mass of the people again: by often changing the chief officers; or, if they continued the same, by letting their commissions be temporary, and always subject to the controul of the supream power, often to that of other co-ordinate power, as the Dutch generals are to the deputies. It is indeed but rare, that states, who have not taken

^a Buckingham's Works, vol. II. p. 37.

is evident from many of his answers to them ; his violating²⁹ their privileges ; and,

such precaution, have not lost their liberties : their generals have set up for themselves ; and turned the arms put into their hands against their masters. This did Marius, Sylla, Cæsar, Dionysius, Agathocles, Charles Martel, Oliver Cromwell, and many others. And this they all did by the same means : it is still frequently done in the Eastern monarchies ; and by the same means all the Christian princes of Europe, who were arbitrary, became so. For as the experience of all ages shews us, that all mens views are to attain dominion and riches ; it is ridiculous to hope that they will not use the means in their power to attain them, and madness to trust them with those means. They will never want pretences, either from their own safety or the public good, to justify the measures which have succeeded : and they know well, that the success will always justify itself ; that great numbers will be found to sanctify their power ; most of the rest will submit to it, and in time will think it just and necessary ; perhaps, at last, believe it to be obtained miraculously, and to have been the immediate act of heaven³⁰."

²⁹ His answers—his violating privileges—and disuse of parliaments.] Nothing is more common than for princes to speak fair in the beginning. Like lovers, in the honey-moon, they caress their people, and are caressed by them : but having once gratified their desires, or finding themselves unable by their cajolings to accomplish the views they entertained ; they grow cool, and at length have a loathing. At the conclusion of his first parliament, Charles was taught to say,—

³⁰ Gordon's Discourses on Tacitus, vol. IV. p. 342.

when they were found to be altogether intractable, his laying them wholly aside.—

“ When God brought me hither, I brought with me an extraordinary affection and esteem for parliaments. I need not tell you how much it is improved by your carriage towards me: you have out-done all the good and obliging acts of your predecessors towards the crown; and therefore you cannot but believe my heart is exceedingly enlarged with the acknowledgment.— I deal truly with you: I shall not propose any one rule to myself, in my actions and counsels, than this; What is a parliament like to think of this action, and this counsel? And it shall be want of understanding in me, if it will not bear that test.”—These were fine words, it must be confessed: but his after-actions were no way correspondent to them. Being offended that the bill passed by his father for triennial parliaments, was not repealed by his second and most loyal pensioned parliament; merely, I suppose, through their ignorance or inadvertency; he told them plainly, “ that he always expected they would, and even admired they had not considered the wonderful clauses in that bill, which passed in a time very uncareful for the dignity of the crown or security of the people. I pray, Mr. Speaker, and you gentlemen of the house of commons, give that triennial bill once a reading in your house; and then, in God’s name, do what you think fit for me and yourselves, and the whole kingdom. I need not tell you how much I love parliaments: never king was so much beholden to parliaments as I have been; nor do I think the crown can ever be happy without frequent parliaments: but assure yourselves, if I did think otherwise, I would never suffer a parliament to

After this, we are not to wonder at any

come together by the means prescribed by that bill."—This produced the effect intended: and the parliament put it in his majesty's power to render them immortal, to the great emolument of the public. For a long time things went on very lovingly between the king and his two houses: but when his majesty was full of confidence that he might do as he list, and in consequence thereof took steps apparently contrary to the religion and interest of his country; this very parliament was alarmed, and began to talk and act in a manner quite unusual. This alarmed the king: and therefore, upon their advising him, in an address, in May, 1677, to enter into a league, offensive and defensive, with the States General, against the French, for the preservation of the Spanish Netherlands, and to make other alliances as his majesty should think fit to that end: upon this advice, Charles having sent for the commons to the banqueting-house in Whitehall, said,—
" Gentlemen, could I have been silent, I would rather have chosen to be so, than to call to mind things so unfit for you to meddle with as are contained in some parts of your last address, wherein you have entrenched upon so undoubted a right of the crown, that, I am confident, it will appear in no age (when the sword was not drawn) that the prerogative of making peace and war hath been so dangerously invaded. You do not content yourselves with desiring me to enter into such leagues as may be for the safety of the kingdom; but you tell me what sort of leagues they must be, and with whom: and, as your address is worded, it is more liable to be understood to be by your leave, than at your request, that I should make such other alliances, as I please, with other of the confederates. Should I

thing which happened. A prince, capable

suffer this fundamental power of making war and peace to be so far invaded (though but once) as to have the manner and circumstances of leagues prescribed to me by parliament; 'tis plain, that no prince or state would any longer believe that the sovereignty of England rests in the crown: nor could I think myself to signify any more to foreign princes, than the empty sound of a king. Wherefore you may rest assured, that no condition shall make me depart from them, or lessen so essential a part of the monarchy: and I am willing to believe so well of the house of commons, that, I am confident, these ill consequences are not intended by you."——On his rejecting the militia bill, Nov. 30, 1678, which had passed both houses, Charles alleged, "that it was to put the militia out of his power; which thing he would not do, no not for one hour: but if the commons would assist him with money for that purpose, he would take care to raise such a part of the militia, as should secure the peace of the government and his own person^a."——Thus did his majesty talk to his parliament, like Solomon, and the son of Solomon, his immediate predecessors, concerning his rights and his prerogatives; notwithstanding, if he came honestly by them, and could legally and effectually exert them, it must have been by the consent and aid of those very persons, or, more properly, the collective body of his people.——In January, 1680, N. S.——"great endeavours were used to procure a multitude of hands to petitions, which were framing in London, Westminster, and several counties, to be presented to the king, for the sitting of the parliament.

^a Echard, vol. III. p. 481; and Grey's Debates, vol. VI. p. 300.

of breaking through the constitution, and

on the 26th of January, according to the last prorogation: which manner of petitioning being accounted unwarrantable and tumultuous; his majesty was pleased, in council, to order the lord mayor and court of aldermen to take care, in their several stations, of his majesty's honor, and the peace and safety of the city; and not to suffer such persons that should sign such petitions, or go about to procure hands to them, to go unpunished: but that they should proceed against them, or cause them to be brought before the council-board, to be punished; according to a resolution of all the judges of England, *Secundo Jacobi*. Two days after, his majesty was further pleased to issue out his royal proclamation, containing that, Whereas he hath been inform'd that divers evil-disposed persons endeavour in several parts of this kingdom to frame petitions to his majesty, for specious ends and purposes relating to the public, and thereupon to collect and procure to the same the hands and subscriptions of multitudes of his majesty's subjects; which proceedings being contrary to the common and known laws of this land, and tending to promote discontents among the people, and to raise sedition and rebellion: his majesty doth therefore strictly charge and command all and every of his loving subjects, of what rank or degree soever, that they presume not to agitate or promote any such subscriptions, nor in any ways join in any petition of that manner to be preferred to his majesty, upon peril of the utmost rigour of the law that may be inflicted for the same.—At the same instant his majesty issued out another proclamation, declaring his resolution to prorogue the parliament from the 26th day of January to the 11th of November. Notwithstanding the

violating the rights of his whole people,

scope of these two proclamations, the business of petitioning was zealously carried on ; and many were prepared, and some presented, not long after. Particularly, on the 13th of January, Sir Gilbert Gerard, accompanied with several eminent citizens, presented a petition from thousands of his majesty's subjects in London, Westminster, and parts adjacent, humbly praying, that the parliament, which is prorogued until the 26th day of January, may then sit to try the offenders [for the popish plot], and to redress all our grievances, no otherwise to be redressed. To which his majesty answered, That he looked upon himself to be the head of the government, and the only judge of what was fit to be done in such cases : and that he would do what he thought most for the good of himself and his people. Then turning to Sir Gilbert, he said, That he did not expect to find one of his name, and particularly him, in such a thing ; and that he was sorry for it. Whereupon Sir Gilbert would have said something to the king ; but his majesty turned away, and would not hear him. A few days after, the famous Thomas Thynn, Esq; accompanied with Sir Walter St. John, and Sir Edward Hungerford, presented the Wiltshire petition, to the same effect, in the name of that county. His majesty was pleased to ask them, Whether they had their directions from the grand-jury ? Mr. Thynn answered, No. The king presently replied, Why say you then that you come from the county ? you come from a company of loose disaffected people : adding, What do you take me to be ? and what do you take yourselves to be ? I admire that gentlemen of your estates should animate people to mutiny and rebellion. You would not take it well I

by not summoning their representatives, as

should meddle with your affairs ; and I desire you would not meddle with mine, especially with a matter that is so essential a part of my prerogative. Another petition, of the like nature, being presented to him the day following, by Sir Robert Barrington, colonel Mildmay, Mr. Honeywood, &c. in the names of themselves, and others, the inhabitants of the county of Essex ; the kings answer was, that he was extreamly surprized to see them meddle with matters that so immedately concerned the crown and him, and that against the sense of the best and chiefest men of the county : that he believed that some of those that had signed the petition might mean well ; but that they were abused by those that did not. To which he was pleased to add, That he was unwilling to call to mind things passed ; yet, that he could not but remember the act of oblivion, though not as some did : that those who had stood in need of that act, would do well not to take such courses as might need another ; and that he very well remembered forty : and so turned away. And for the Berkshire gentlemen, and their petition, which was presented the same day from their quarter sessions, the king, in a more drolling manner, said, That they would agree that matter over a cup of ale, when they met at Windsor ; though he wondered that his neighbours would meddle with his business : and that the nation, as well as those gentlemen, might not be ignorant of the court resentments, these answers were publickly inserted in the *Gazettes*². — His majesty, when he talked after this manner, had forgot to consider what a parliament would think of it. — For,

² Grey's Debates, vol. VI. p. 570.

in reason at least he ought to have done;

as soon as they were assembled, notwithstanding what the court lawyers had asserted in the proclamations, and his majesty himself in discourse had uttered; we find it resolved, *nem. con.* “That it is, and ever hath been, the undoubted right of the subjects of England to petition the king for the calling and sitting of parliaments, and redressing of grievances. That to traduce such petitioning as a violation of duty, and to represent it to his majesty as tumultuous and seditious, is to betray the liberty of the subject; and contributes to the design of subverting the antient legal-constitution of this kingdom, and introducing arbitrary power. And it was ordered to appoint a committee, to enquire of all such persons as have offended against these rights of the subject^a.” This was a noble declaration of the law; a spirited vindication of liberty, attempted to be trod under-foot by men most infamous. May we never want representatives so uncorrupt, so intrepid!— And as Charles talked thus insolently of and to his parliaments; so he scrupled not, by his actions, to shew his disregard to their privileges.—“Sir John Coventry,” says Burnet, “made a gross reflexion on the kings amours. He was one of those who struggled much against the giving money. The common method is: after those who oppose such bills fail in the main vote; the next thing they endeavour is, to lay the money on funds that will be unacceptable, and will prove deficient. So these men proposed the laying a tax on the play-houses, which, in so dissolute a time, were become nests of prostitution.—This was opposed by the court. It was said, the players were the kings

^a Journal, Oct. 27, 1680.

could not but be supposed to entertain

servants, and a part of his pleasures. Coventry asked, Whether did the kings pleasure lie, among the men or the women that acted ? This was carried, with great indignation, to the court. It was said, that this was the first time that the king was personally reflected on : if it was passed over, more of the same kind would follow ; and it would grow a fashion to talk so : it was therefore fit to take such severe notice of this, that nobody should dare to talk at that rate for the future. The duke of York told me, he said all he could to the king to divert him from the resolution he took ; which was, to send some of the guards and watch in the streets where Sir John lodged, and leave a mark upon him. Sands and Obrian, and some others, went thither : and as Coventry was going home, they drew about him. He stood up to the wall, and snatched the flambeau out of his servants hands : and with that in the one hand, and his sword in the other, he defended himself so well, that he got more credit by it than by all the actions of his life. He wounded some of them, but was soon disarmed : and then they cut his nose to the bone, to teach him to remember what respect he owed to the king : and so they left him, and went back to the duke of Monmouths, where Obrians arm was dressed. That matter was executed by orders from the duke of Monmouth.—Coventry had his nose so well needled up, that the scar was scarce to be discerned. This put the house of commons in a furious uproar. They passed a bill of banishment against the actors of it ; and put a clause in it, that it should not be in the kings power to pardon them. This gave great advantages to all those that opposed the court : and was often remembered, and much improved, by all

views very unfavourable to their welfare

the angry men of this time^a.”—The house, indeed, seems to have been in a furious uproar; as it had good reason to be. For on hearing Sir Thomas Clarges’ account and narrative of the matter, “the whole house unanimously resenting this fact, not only as an high breach of privilege, but an attempt of dangerous consequence to the king, his laws, and government, and destructive to the very essence and constitution of parliaments, and in itself a very vile and horrid act; which did look to be no less than a contrivance of some wicked persons, that were enemies to the king and peace of his kingdom. After debate whereof, it was resolved, that a bill be brought in, &c^b.”—It is very remarkable, that, in the debates on this affair, Sir Edmund Wyndham, knight marshal, “desired to know whether they would proceed in it here, now it was prosecuted at law; and how far their proceedings might hinder the legal prosecution^c. And the earl of Ancram said, he knew not how they could inflict greater vengeance than the law can inflict.—If any of these be hanged by law,” said he, “you have justice sufficient.”—But these miserables were not attended to;—they deserved not to be attended to. Sir Robert Howard, in reply, said, “He that likes this fact, would do it: he that extenuates it, would be perswaded to do it.—With what boldness can any man speak here, that must be pulled by the ears at night for what he says? The people say, in the country, that unless you right yourselves in this business, your money is not

^a Burnet, vol. I. p. 269. ^b Journal, Jan. 10, 1670. ^c It appears by the Journal, “that the examinations of witnesses were taken, and returned into the sessions, in order to the tryal of such persons guilty as were in custody.”

and happiness. And so, indeed, it happened.

given, but taken away."——"It is the way," said Mr. Jones, "to make your money to come in the better, to punish this horrid un-English act, when there is a sense in the minds of the people of this horrid abuse; that, by privilege of parliament being broken, the people are wounded.——His soul trembles at the sad consequences.——It is a greater thing than he has ever seen here.——It concerns the person, justice, and honor of the king, council, and house of commons.——Great sums have been given, and great sums must be given: there are many male-contents.——Every ill-humour goes to the place hurt.——The people say, that the house has met these several years for nothing but to give money; and raising money to that high degree as we have done, they may be displeased.——Moves, that by this act they may right themselves. By this precedent upon some of the guards, would have the world know you are in earnest^a."——In the course of these debates, it is remarkable that the king is never mentioned in terms of disrespect, nor is it hinted that he was accessory to the fact. Not but that the occasion of the barbarity was well enough known in the house; as appears from a motion made for a bill to be brought in, to punish any man that should speak any reflective thing on the king^b. But his majesty was yet held in admiration, notwithstanding his guilt in this affair, and the violation of the privilege of parliament. Such a charm has majesty! So little are subjects apt to complain of their sovereigns!——To go on.—The house of commons, that met March 6, 1678, having chosen Mr. Seymour for their speaker, his majesty thought fit to

^a Grey's Debates, vol. I. p. 333.

^b Id. p. 346.

—For, after the dissolution of his last

discharge the choice, and commanded them to make another. This was thought unprecedented, and a violation of their privileges. The house, however, desired some time to consider of it. This his majesty granted: but, upon their representing “that it was the undoubted right of the commons to have the free election of one of their members to be their speaker, and to perform the service of the house;”—the king answered, “All this is but loss of time; and, therefore, I command you to go back to your house, and do as I have directed you^a.”—It may be supposed, such an answer was not very acceptable. Many members remarked severely on it. Among others, Mr. Williams said,—“This is no loss of time; but will be a loss of right, if you insist not on your privileges. And plainly, if the right be with us, shall we sit still, and let it be invaded? and you, in parliament, give away the right of parliament^b?”—However, on another representation, to which an answer was promised by the king, though never given; the house, after a prorogation, fearing a dissolution, submitted to his majesty’s pleasure. Thus rights were given up, and breach of privilege submitted to; even by a parliament that wanted not spirit and resolution.—Such were the times!—The breach of privilege, by the king, in the case of Mr. Montague, was still more flagrant. This gentleman had been ambassador in France, and negotiated his majesty’s pension at that court. Being returned from thence, and on ill terms with the treasurer Danby, from whom, by his majesty’s command, he had received orders and directions in that infamous

^a Grey’s Debates, vol. VI. p. 425.

^b Id. p. 428.

parliament, nothing was heard of but the

affair; it was resolved to seize his papers, though a member of parliament, lest he should declare and prove what it was thought necessary to conceal^a. But some caution was required in so delicate an affair. Mr. Chancellor of the Exchequer therefore acquainted the house, “ that he was commanded by his majesty to inform the house, that his majesty having received information, that his late ambassador in France, Mr. Montague, a member of this house, had held several private conferences with the popes nuntio there, without any directions or instructions from his majesty; his majesty, to the end that he might know the truth of that matter, had given orders for the seizing Mr. Montagues papers^b. ”—This message, as it was natural, produced many keen, sensible observations.—“ Montague,” said Mr. Powle, “ is a member of parliament: and it is an old rule, that, in treason, no private man, nor members person, can be seized, before the accusation be given in upon oath: if not, any member may be taken from parliament. I would know, whether any legal information has been given against your member. This was a fatal case in the last kings time, of seizing members and their papers. I hope never to see the like again. If a great minister has a quarrel against a gentleman, and one go and tell the king a story of him to his prejudice, and his papers thereupon must be seized; I know not whither that will go. In the first place, I would be instructed by Ernly, who brought the message from the king, &c. whether there be any legal information against your member? and, if there be not, then you may consider

^a See note 22.

^b Journal, 19 Dec. 1678.

most arbitrary and unjust proceedings;

what to do."——Colonel Birch, in the debate, declared, " that he had always taken it for granted, that no members papers can be seized. I know not what haste they are in, in this matter, nor where it will end. Forty more members papers may be seized, at this rate, and the house garbled; and then the game is up. You have information from Ernly of the thing; &c. and you may have as good information as this against another member."——Sir William Coventry " was loath to have his papers seized, though but for matter of reputation. I had rather," added he, " have my shirt than my papers taken from me."——All that was said in defence of the action was by Ernly, chancellor of the exchequer; who alleged " that in all these cases there are warrants of the same nature^a." But this being no way satisfactory, it was resolved, " that the house cannot make any judgment, either in relation to their member, or the privilege of the house, which may be in a great measure invaded, unless his majesty will be graciously pleased to let this house know, whether the information against Mr. Montague was given upon oath; and of what nature the offence is, that is thus complained of^b." This spirited and just resolution secured Montague's papers, who selected from them those he had received from Danby by his majesty's command; which terminated in the downfall of that prime minister.——Thus the wise were caught in their own craftiness.——From this time his majesty and his parliaments had no manner of agreement. The two last he was particularly dissatisfied with; and re-

^a Grey's Debates, vol. VI. p. 337—344.
1678.

^b Journal, 19 Dec.

proached, very severely, in a “declaration to all his loving subjects, touching the causes and reasons that moved him to dissolve the two last parliaments.”—The first of these, he says, made him very unsuitable returns for his gracious expressions and intentions. “ He had addresses in the nature of remonstrances rather than of answers: arbitrary orders for taking his subjects into custody, for matters that had no relation to privileges of parliament: strange illegal votes, declaring divers eminent persons to be enemies to the king and kingdom, without any order or process of law, any hearing of their defence, or any proof so much as offered against them.”—He then mentions their votes against those who should lend money on any branches of the revenue, or buy any tally of anticipation upon any part of it: as also their resolution of the grievousness and danger of executing the penal laws on protestant dissenters at that time; as some of the unwarrantable proceedings of that house of commons, which were the occasion of his parting with that parliament.—“ Which we had no sooner dissolved,” continues the writer of the declaration, “ but we caused another to be forthwith assembled at Oxford; at the opening of which, we thought it necessary to give them warning of the errors of the former, in hopes to have prevented the like miscarriages; and we required of them to make the laws of the land their rule, as we did, and do, resolve they shall be ours. We further added, that what we had formerly and so often declared, concerning the succession, we could not depart from: but, to remove all reasonable fears that might arise from a possibility of a popish successor’s coming to the crown, if means could be found, that, in

* London, by the king’s printers. fol. 1681.

such a case, the administration of the government might remain in protestant hands, we were ready to hearken to any expedient, by which the religion established might be preserved, and the monarchy not destroyed. But, contrary to our offers and expectation, we saw that no expedient would be entertained but that of a total exclusion, which we had so often declared was a point that, in our royal judgment, so nearly concerned us, both in honor, justice, and conscience, that we could never consent to it. In short, we cannot, after the sad experience we have had of the late civil wars, that murdered our father of blessed memory, and ruined the monarchy, consent to a law that shall establish another most unnatural war, or at least make it necessary to maintain a standing force for the preserving the government and the peace of the kingdom. And we have reason to believe, by what passed in the last parliament at Westminster, that if we could have been brought to give our consent to a bill of exclusion, the intent was not to rest there, but to pass further, and to attempt some other great and important changes even in present."——The votes of the commons at Oxford, with relation to the trial of Fitz-Harris, are herein also said to have been the greatest violation of the constitution of parliaments, and an inducement to put an end to that parliament itself. ——"But notwithstanding all this," says the writer, "let not the restless malice of ill men, who are labouring to poysen our people, some out of fondness of their old beloved commonwealth principles, and some out of anger at their being disappointed in the particular designs they had for the accomplishment of their own ambition and greatness, perswade any of our good subjects that we intend to lay aside the use of parliaments: for we do still declare, that no irregulari-

ties in parliaments shall ever make us out of love with parliaments, which we look upon as the best method for healing the distempers of the kingdom, and the only means to preserve the monarchy in that due credit and respect which it ought to have both at home and abroad. And for this cause we are resolved, by the blessing of God, to have frequent parliaments; and, both in and out of parliament, to use our utmost endeavours to extirpate popery, and to redress all the grievances of our good subjects; and in all things, to govern according to the laws of the kingdom."—This declaration is dated Whitehall, Apr. 8, 1681, and was ordered by his majesty, in council, on the motion of Archbishop Sancroft, to be read in all churches and chapels throughout the kingdom.——Charles, we are to observe, after having, in twenty-six months, dissolved four parliaments, never called another, notwithstanding the solemn promise contained in this declaration. Such was the honour and probity of the man!—such his love of parliaments!—The following passage, from Burnet, will be no improper supplement to this note.—"To prevent all trouble from the lords, the king was advised," says he, "to go and be present at all their debates.—At first, the king sat decently on the throne, tho' even that was a great restraint on the freedom of debate; which had some effect for a while: tho' afterwards many of the lords seemed to speak with the more boldness; because, they said, one heard it to whom they had no other access but in that place: and they took the more liberty, because what they had said could not be repeated wrong. The king, who was often weary of time, and did not know how to get round the day, liked the going to the house as a pleasant diversion. So he went constantly. And he quickly left the

throne, and stood by the fire; which drew a croud about him, that broke all the decency of that house: for before that time every lord sat regularly in his place: but the kings coming broke the order of their sitting as became senators. The kings going thither had a much worse effect: for he became a common sollicitor, not only in public affairs, but even in private matters of justice. He would, in a very little time, have gone round the house, and spoke to every man he thought worth speaking to. And he was apt to do that upon the solicitation of any of the ladies in favour, or of any that had credit with them. He knew well on whom he could prevail: so being once, in a matter of justice, desired to speak to the earl of Essex and the lord Hollis; he said, they were stiff and sullen men: but when he was next desired to solicit two others, he undertook to do it; and said, They are men of no conscience, so I will take the government of their conscience into my own hands. Yet when any of the lords told him, plainly, that they could not vote as he desired; he seemed to take it well from them. When the act against conventicles was debated in that house, Wilkins argued long against it. The king was much for having it pass; not that he intended to execute it, but he was glad to have that body of men at mercy, and to force them to concur in the design for a general toleration. He spoke to Wilkins not to oppose. He answered, He thought it an ill thing both in conscience and policy; therefore, both as he was an Englishman and a bishop, he was bound to oppose it. The king then desired him not to come to the house while it depended. He said, By the law and constitution of England, and by his majesty's favour, he had a right to debate and vote: and he was neither afraid nor ashamed to own his opinion in that matter, and to

severe and cruel prosecutions. Charters³⁰

act pursuant to it. So he went on: and the king was not offended with his freedom. But though he bore with such a frank refusing to comply with his desire; yet, if any had made him such general answers as led him to believe they intended to be compliant, and had not in all things done as he expected, he called that a juggling with him; and he was apt to speak hardly of them on that account²."

³⁰ Charters were given up—or declared forfeited.] It appears, from his majesty's declaration, mentioned in the preceding note, that he was extremely angry with the transactions of the members of the house of commons: and it may well be supposed, that he was not destitute of thoughts of revenge. But as the city of London was averse to his measures; it was necessary, by some means or other, to deprive them of the power of thwarting his designs. What gave him courage to execute his intentions, was, the turn of affairs in the nation, evidenced by addresses full of compliments to the king and his brother: with assurances of standing by the succession: and, at the same time, reviling and blaming those who had acted contrary thereto. So that his majesty became, on a sudden, popular; and the great leaders of opposition in disgrace.——The most considerable part of the nobility, justices, gentry, and clergy of the county of Essex, at the assizes, held July 12, 1681, addressed the king in the following terms: "In a time when, by wicked plots and conspiracies, anti-monarchical principles and doctrines, taught by the papists, and others influenced by them, in conventicles and private meet-

² Burnet, vol. I. p. 271.

were given up to pleasure the court, or else

ings: when, by libels and seditious pamphlets, endeavours are made to poison your subjects, defame your government, to the endangering your majesty's person, with the disturbance of the peace of the kingdom: when, under pretence of liberty of conscience, the Church of England, our mother (in doctrine, discipline, and worship, the best and nearest to the primitive institution), is set at naught, slighted, and reviled: when busy men will stretch beyond their last, impose their crude results of their common councils on your majesty, and forget your most gracious act of oblivion: we cannot but be very apprehensive, and fear (for how can we doubt the design, when men tread the same paths, and offend again on the same wicked principles?) a revolution of those extream miseries which Almighty God, in his mercy to the nation, by his own immediate hand, in the happy miraculous restoration of your majesty, delivered us from. That, therefore, your majesty may be the better enabled to protect and defend our religion by law established; the mischiefs we justly fear may (as much as in us lies) be prevented; your majesty's sacred person, your just rights and prerogatives, the succession of your imperial crown to your lawful heirs, according to the known laws of this kingdom, preserved; and the persons, estates, liberties, and lives of your good subjects, be safe from arbitrary government, which your majesty resolves against; we present your majesty, and beseech you to accept, the tender of our hearts and hands, lives and fortunes²."

—In this strain was his majesty complimented, almost by the whole kingdom, on his declaration: and

² Gazette, No. 1636.

declared forfeited, for very idle, insufficient,

the same things were repeated, even in higher strains, on the association, found among Shaftesbury's papers; as the curious reader may find by turning to the *Gazettes* of the years 1681 and 1682.—These addresses gave spirit to the court, and determined it to humble a city that had dared so boldly to act counter to its designs. The bills against Shaftesbury (who, from an infamous minister, had turned a violent anti-courtier; and took on him to guide men much honester, though weaker, than himself), Colledge, and Rouse, being returned *ignoramus*, and perhaps very justly, by grand juries, impannelled by the sheriffs of London and Middlesex, provoked the court; who, from that moment, saw that nothing favourable was to be expected: and therefore, having a lord mayor, Moore, at their beck, they contrived a method of getting one sheriff, at least, to their mind, by his lordship's assistance. Accordingly, his lordship pretended a right (for many years disused, whatever the old practice may have been) to nominate one of the sheriffs by drinking to him. The citizens were alarmed at the claim, and refused to submit to it. But the court being bent on the matter, it was carried, though with much opposition. This did not satisfy however. The magistrates of London, by charter, were, notwithstanding, in the choice of the city. This was a power hated by the administration, and therefore to be struck at. Accordingly, a *quo warranto* was brought against the charter; which, after much time, was condemned, and the city deprived of its privileges: so that the court had now the whole government of the metropolis in its hands, and none could make the least opposition. Thus were its views accomplished. Sprat, speaking of the *ignoramus* juries,

or unjustifiable reasons, in spite of all the

says, " His majesty foreseeing how destructive, in time, the effects of so great and growing a mischief would be ; resolved at length, after many intolerable provocations, to strike at that which he had now found to be the very root of the faction. This his majesty, and all wise and good men, perceived could be no otherways done, than, first, by reducing the elections of the sheriffs of London to their antient order and rules, that of late were become only a business of clamour and violence : and then to make enquiry into the validity of the city charter itself ; which an ill party of men had abused to the danger, and would have done it to the destruction of the government, had they been suffered to go on never so little further uncontrouled. In both these most just and necessary undertakings, the righteousness of his majesty's cause met with an answerable success. First, notwithstanding all the tumultuous riots the factious party committed, to disturb the peaceable issue of that affair ; yet the undoubted right of the lord mayor's nominating the eldest sheriff, was restored and established : and so the administration of justice once more put in a way of being cleared from partiality and corruption. And then a due judgment was obtained, by an equal process of law, against the charter itself, and its franchises declared forfeited to his majesty."—If the reader asks the grounds of so extraordinary a judgment ; he may know, that they were, exacting tolls in their markets illegally ; and, particularly, raising money for rebuilding Cheapside conduit ;—and framing and printing a scandalous

* History of the Horrid Conspiracy, p. 8. fol. Lond. 1685.

arguments made use of, by the most able

petition, wherein they charged the king with obstructing the justice of the nation, by proroguing the last Westminster parliament. —— After the judge had pronounced the opinion of the court, he particularly declared, by the king's express command, that judgment should not be entered till his majesty's pleasure was further known^a. This was not long delayed: for the lord mayor, aldermen, and citizens, having petitioned his majesty for favour and compassion: they were assured, that his majesty would not reject their suit, provided they submitted to his majesty's regulations. These were, indeed, of very hard digestion: for, as I have intimated above, the power of chusing their magistrates was taken away from the city and placed in the crown, where it abode till the Revolution. —— We may well suppose the city thought itself hardly dealt by: but they were told, "Nothing is taken away from the city but what they are the safer and the happier for, if they will but understand their own advantage: and, effectually, it is not liberty that is now the question, but confusion. The point, in short, is this: The charter's forfeited, and his majesty is willing to remit that forfeiture, saving only to himself the exercise of those powers, without which he leaves himself at the mercy of his enemies; and his friends a prey and a scorn to a faction. But all that may be beneficial to the citizens, as a body incorporate, under the regulation of the law and the civil government: all this I say his majesty leaves still to the city, upon such conditions only as are of absolute necessity for the conservation of the public peace^b." —

^a See Echard, vol. III. p. 672.

See also North's Examen, p. 618—639.

^b L'Estrange Observator, No. 363.

lawyers, to the contrary : they were, I say,

Some few corporations had surrendered their charters before this judgment: but after it, they almost all did it: to the joy of the court, who now were in a fair way to accomplish the long and deep-laid design of arbitrary power.—“ His majesty cannot here forbear,” says a court writer and advocate, “ to let the world know what entire satisfaction he has taken in one special testimony of his subjects affections; whence, through Gods gracious providence, the monarchy has gained a most considerable advantage, by means of this very conspiracy [the Rye-house]: and it is, that so great a number of the cities, and corporations of this kingdom, have since so freely resigned their local immunities and charters into his majesty’s hands; lest the abuse of any of them should again hereafter prove hazardous to the just prerogatives of the crown. This his majesty declares he esteems as the peculiar honor of his reign; being such, as none of all his late royal predecessors could have promised to themselves, or hoped for. Wherefore his majesty thinks himself more than ordinarily obliged to continue, as he has hitherto begun, to shew the greatest moderation and benignity in the exercise of so great a trust: resolving, upon this occasion, to convince the highest pretenders to the commonweal, that as the crown was the first original, so it is still the surest guardian of all the peoples lawful rights and privileges ^a.”—Such was the language of a right reverend sycophant, who had been the panegyrist of Cromwell; and, after the Revolution, had the wisdom to take care of his spiritual powers and temporal revenues ! Well

^a Sprat’s Account of the Conspiracy, p. 164.

declared forfeited by corrupt and infamous ³¹

worthy must such a man be of belief, when declaring the good intentions of such a monarch!

³¹ Corrupt and infamous judges.] Whoever considers the sentences past in the courts of justice in the latter end of this reign, will naturally imagine, that care was taken to fill the bench with proper instruments to execute every purpose the administration had in view. Great complaints were made, in the house of commons, of their behaviour; and it is well known, that resolutions for the impeachment of Scroggs, Jones, and Weston, were made by the house of commons in 1680.—Mr. Booth, in the house, speaking on this occasion, said, “ Let any one deny, if he can, whether our judges have not transgressed? Has not justice been sold or perverted? witness the acquittal of Sir George Wakeman, Sir Thomas Gascoines, and Mrs. Cellier. Has not justice been denied? witness the abrupt dismissing of the grand jury, when an indictment was to have been given in to have proved the duke of York a papist; and to prevent that great service to the nation, the jury was dismissed, notwithstanding they had several other bills of indictment in their hands: by which justice was not only delayed, but denied. And how many instances more are there of this kind? Nay, the contagion has spread so far; that it is more difficult to find a case without these, or some of them, than to produce multitudes of cases where justice has been sold, denied, or delayed. So that our judges have been very corrupt and lordly; taking bribes and threatening juries and evidence; perverting the law to the highest degree; turning the law upside down, that arbitrary power may come in upon their shoulders. The cry of their unjust dealings is great, for every man has felt their hand:

judges; who were also made the instru-

and therefore, I hope, their punishment will be such as their crimes deserve; that every man may receive satisfaction^a." — "These judges," said colonel Titus, "are persons from whom we expect our antidote, and from these comes our poison. But I would say something in their commendation: I think them very grateful in hindering the presentment of persons that put them into their places.—Suppose no man will pursue a thief, what signify all your laws against robbery? I would be as favourable and good-natured as possible; but it must be to such as are so to me; not to such as would destroy my wife, my children, my religion, and property. As long as judges hold their places *durante beneplacito*, they will do what will please; and there is an end of your justice^b." — Mr. Powle acquainted the house with something further in relation to the judges. "Printing I take now to be free," said he. "After the dissolution of the last parliament, the act for regulating the press expired, and the old law remained. This was referred to the judges to consider; and they did agree, that there was no remedy against the liberty of the press without a new law. A few days after, some of the judges were removed, and the rest were of another opinion; and an extra-judicial judgment passed, by which pamphlets were suppressed^c." — It is easy to guess, from these accusations, that the judges must have borne but very doubtful, not to say bad characters. However severe the things here spoken may seem; they, probably, were true. Mr. Finch, when speaking against the impeach-

^a Delamere's Works, p. 140.

^b Id. p. 60.

^c Grey's Debates, vol. VIII. p. 58.

ments of court vengeance inflicting, on

ing of Scroggs for high treason followed, “ that he was not fit for his place, nor ever ^s; and had done crimes fit for great punishment ^a. ” North, ” Burnet observes, “ had parts turned to craf ^{and} was thought to mean ill, even when he did well. That he, probably, was a bad man, is evidenced by his favour in such a court: and his various promotions from it in his profession: the great friendship in which he lived with Lauderdale: the hand he had in the proclamation against petitioning for the sitting of parliament, for which he was in danger of being impeach'd: from his behaviour at Colledge's trial; in the business of the sheriffs, and of the charter of the city of London, and many other particulars; which, though alauded by his biographer, will transmit his name with dishonour to posterity.—Withens was, confessedly, a mean man; and promoted merely for his servility.—Mberton, and Saunders, though of considerable abilities, were eminent for their vices; and stuck not at any means of gratifying those who employed them ^c.—But Jefferies exceeded all in his zeal to the court, and his enmity to such as opposed it. We have his portrait drawn by different hands; but there is not one but is odious and disagreeable.—Mr. Booth, in the above-cited speech, speaking of him when chief justice of Chester, said, “ Sir George Jefferies, I must say, behaved himself more like a jack-pudding, than with that gravity that becomes a judge. He was mighty witty upon the prisoners at the bar: he was very full of his jokes upon people that came to give evidence; not suffering them

^a Grey's Debates, vol. VIII. p. 242, 243.

^b Burnet, vol. I. p. 532.

^c See their Characters in North's Life of Guildford, p. 222—226.

such as were disagreeable, most arbitrary and

to declare what they had to say in their own way and method; but wold interrupt them, because they behaved themselves with more gravity than he: and, in truth, the peopl were strangely perplexed, when they were to give in-heir evidence; but I do not insist upon this, nor upn the late hours he kept up and down our city. It's sai, he was every night drinking till two o'clock, or lyond that time: and that he went to his chamber drak: but this I have only from common fame; for Iwas not in his company. I bless God, I am not a man of his principles or behaviour. But in the mornins he appeared with the symptoms of a man that, over night, had taken a large cup. But that which I hve to say is the complaint of every man, especially f them who had any law-suits. Our chief justice is a very arbitrary power in appointing the assize wen he pleases: and this man has strained it to the higest point. For whereas we were accustomed to hav two assizes; the first about April or May, the latter bout September; it was this year, the middle (as I remember) of August before we had any assize: and ten he dispatched business so well, that he left half the causes untryed; and, to help the matter, has resoved, that we shall have no more assizes this year^a." It may be supposed, that Jefferies did not forget this spech, when he sat in judgment as lord steward on Delamere, and behaved towards him in his wonted brutal manner. Burnet assures us, " all people were apprehensive of very black designs when they saw Jefferies made lord chief justice; who was scandalously vicious, and was drunk every day: besides a drunken-

^a Delamere's Works, p. 143.

excessive fines, for comparatively very small

ness of fury in his temper, that looked like enthusiasm. He did not consider the decencies of his post: nor did he so much as affect to appear impartial, as became a judge; but run out, upon all occasions, into declamations that did not become the bar, much less the bench. He was not learned in his profession: and his eloquence, though vitiously copious, yet was neither correct nor agreeable^a.—North's picture of the man the reader, perhaps, will not think more amiable.—

“ His friendship and conversation,” says he, “ lay much among the good fellows and humourists: and his delights were, accordingly, drinking, laughing, singing, kissing, and all the extravagances of the bottle. He had a sett of banterers, for the most part, near him: as, in old time, great men kept fools to make them merry. And these fellows, abusing one another and their betters, were a regale to him. And no friendship or dearness could be so great in private, which he would not use ill and to an extravagant degree in public. No one, that had any expectations from him, was safe from his public contempt and derision: which some of his minions, at the bar, bitterly felt. Those above, or that could hurt or benefit him, and none else, might depend on fair quarter at his hands. When he was in temper, and matters indifferent came before him, he became his seat of justice better than any other I ever saw in his place. He took a pleasure in mortifying fraudulent attornies, and would deal forth his severities with a sort of majesty. He had extraordinary natural abilities; but little acquired, beyond what practice in affairs had supplied. He talked fluently,

^a Burnet, vol. I. p. 567.

and trifling offences ³².—And, to fill up the

and with spirit; and his weakness was, that he could not reprehend without scolding; and in such Billingsgate language as should not come out of the mouth of any man. He called it giving a lick with the rough side of his tongue. It was ordinary to hear him say, Go: you are a filthy, lousy, knitty rascal: with much more of like elegance. Scarce a day passed that he did not chide some one or other of the bar, when he sat in chancery: and it was, commonly, a lecture of a quarter of an hour long. And they used to say, This is yours; my turn will be to-morrow. He seemed to lay nothing of his business to heart, nor care what he did or left undone; and spent, in the chancery court, what time he thought fit to spare. Many times, on days of causes, at his house, the company have waited five hours in a morning, and, after eleven, he hath come out inflamed and staring like one distracted. And that visage he put on when he animadverted upon such as he took offence at, which made him a terror to real offenders; whom he also terrified with his face and voice, as if the thunder of the day of judgment broke over their heads: and nothing ever made men tremble like his vocal inflictions. He loved to insult; and was bold without check: but that only when his place was uppermost ³³.—A fine justiciary this! worthy, indeed, of the masters he served; and abundantly qualified to execute all their designs!—From such judges, what had not the public, the honest part of the public, to expect?

³² Excessive fines were inflicted for comparatively small offences.] After the sheriffs and charter of Lon-

³³ Life of Guildford, p. 219.

measure of the iniquities of this reign, some

don came under the power of the crown, it was determined to make those smart who had opposed its measures. As the judges were sure cards, nothing but proper juries were requisite: and these were soon found out by the sheriffs, whose office it was to return them. "These juries," according to Burnet, "became the shame of the nation, as well as a reproach to religion: for they were packt; and prepared to bring in verdicts as they were directed, and not as matters appeared on the evidence^a." However this was, certain it is, the judges availed themselves of their verdicts; and, in consequence of them, inflicted most heavy penalties on such as were prosecuted at the suit of the crown.—Pilkington, late sheriff of the city, on very doubtful evidence, was convicted of reflecting on the duke of York as one concerned in the burning of London, and fined 100,000*l.*^b—Mr. Hampden, for a high misdemeanour, was fined 40,000*l.* and committed till paid^c.—Mr. Braddon, and Mr. Speke, for saying lord Essex was murdered when the king was in the Tower, had one 2,000*l.* and the other 1,000*l.* imposed on them; were to find sureties for good behaviour during life; and to be committed till they performed it^d. In 1684, the duke of York having brought an action against Titus Oates, grounded upon the statute *de scandalis magnatum*, for calling him traitor, the defendant suffered judgment to go against him by default: whereupon a writ of inquiry was taken out, directed to the sheriff of the county of Middlesex, to enquire by a jury what damages the plaintiff had sus-

^a Burnet, vol. I. p. 536.
printed London, 1684. fol.

^b Id. ibid.

^d Trial, Lond. 1684.

^c See his Trial,

of the best men, and best patriots³³, that

tained hereby; and, upon a motion made in the court of King's Bench, a day was given to the defendant to shew cause why that writ should not be executed. But Oates, knowing the times, and with whom he had to do, neglected it, as thinking it would be to no purpose. Whereupon the writ on the given day was executed; and the jury gave the duke 100,000*l.* damages, and twenty shillings costs^a. This effectually secured Oates for future vengeance.—Mr. Dutton Colt had been assessed in the like sum, for scandalous words, against his royal highness, some time before.—Sir Samuel Barnardiston, for writing some letters to a friend, in which honourable mention was made of lord Russell and Mr. Sidney, who had been put to death by the government, and some account given of court transactions, was, on an information by the attorney-general in the court of King's Bench, convicted, and condemned to pay a fine of 10,000*l.* to the king; find sureties for his good behaviour during life, and committed till it was paid and done^b.—Numberless other convictions there were of a like kind with these; which, as they are to be found in our general histories, I here omit: these being abundantly sufficient to shew what revenge was pursued, and what instruments were made use of, to crush those who had any way disgusted Charles, his brother, or his ministers! May England never see such times again!

³³ Some of the best men, and best patriots, were condemned, and executed, out of a spirit of revenge.] Those who are conversant in English history, will easily guess, that lord Russel and Algernon Sidney are

^a Oates's Trial, Lond. 1684.

^b Barnardiston's Trial, Lond. 1684. .

adorned the age, were tried, condemned,

more particularly meant by this description. They were both, confessedly, men of virtue, probity, and integrity; and the latter had capacity and knowledge sufficient to have qualified him for legislator in any republic in the most ancient times. The principles of both these men, though different, were very obnoxious to the court. Their spotless manners; their uncorrupt hands; their hatred of popery; and opposition to tyranny; were matters of dread, and reproach, to those who ruled in such corrupt times: and nothing could be more pleasing, to such wretches, than to find an occasion of cutting them off under the notion of malefactors. The story of what was called, the Rye-house Plot, is well known: the measures of administration had alarmed men: and those who could not see, were capable of feeling that matters were but badly managed; and, probably, would be still worse. This gave occasion to much talk; to many projects; and expressions very extravagant and wicked. For amidst a number of men it cannot be, but there will be fools and knaves among them. That there were many very idle and ridiculous discourses concerning taking off the king, and the duke, in clubs and meetings; many foolish things talked of, by warm and zealous men in their cups; is too certain to be denied: but that there were any formed designs, any proper preparations, though sworn by many witnesses, is much to be doubted. The best evidence we have, for the reality of the plot, arises from the confessions of Walcot, Rouse, and Hone, at their executions; for Holloway's hopes of life, I think, in some measure weakens his assertions. — Let us attend then to these. — Captain Walcot said, "I confess I was so unfortunate and unhappy as

and executed, out of revenge for past ac-

to be invited, by colonel Rumsey (one of the witnesses against me), to some meetings: where something was discoursed of in order to the asserting our liberties and properties, which we looked upon to be violated and invaded. But it was he and Mr. West, and some gentlemen that are fled, who were the great promoters of these meetings. I was near a quarter of a year ill of the gout; and, during that time, Mr. West often visited me, and still his discourse would be concerning lopping the two sparks; that was the word he used, meaning the king and the duke, and proposed it might be done at a play: for, he said, then they would dye in their calling: it was his very expression. He bought arms to do it with, without any direction of mine. I never saw the arms; nor I never saw the men that were to do it: though, they said, they had fifty employed to that end. I told several of them, that the killing the king would carry such a blemish and stain with it, as would descend to posterity: that I had eight children that I was loath should be blemished with it: and, withal, I was confident the duke of Monmouth would revenge his fathers blood, if it were but to vindicate himself from having any hand in it. Mr. West presently told me, that the duke of Monmouth did not refuse to give an engagement that he would not punish those that should kill the king^a." Hone, a simple weak man, said, " he was drawn in and ensnared. For," added he, " I was never at any of their meetings, any of their cabals; but in a public coffee-house or tavern, where they discoursed the matter of fact: and I was to

^a Speeches of Russell, Walcot, Rouse, and Hone; published by order of the Sheriffs. fol. Lond. July 21, 1683.

tions, or fear of opposition from them for

meet the king and duke of York; but I did not know at that time when, or where, or what was my business^a."

—Rouse declared, "he had been in clubs, where it had been in discourse to accommodate Monmouth. That there was a design," continues he, "to set up the duke of Monmouth, I will not say while the king reigns; though some extravagant hot-headed men have taken upon them to discourse these things, but not any worthy man. I know those, that were worthy to be called by that name, have declared, in my hearing, that, in opposition to the duke of York, if the king be seized, they would stand by the duke of Monmouth^b." —All this looks nothing like a day appointed, and measures taken, for assassinations; as was sworn by many of the witnesses. But, be this as it may, it was not in the company of those, who uttered such things, that Sidney or Russell were to be found. They were too knowing, too cautious for this. Unhappily, however, they mixed with bad men; such as Shaftesbury, Grey, and Howard: the last of which turned evidence against them, and was a principal in their destruction.—On the testimony of Rumsey, lord Russell was taken up, examined, committed, and tried, July 13, 1683, for high treason. The event is well known. The jury, picked out for the purpose, found him guilty; and his majesty would shew him no mercy.—What were Russell's transgressions in point of law, will be best learnt from the paper he delivered to the sheriffs, on the day of his execution, on the scaffold.—"I have always loved my country

^a Speeches of Russell, Walcot, Rouse, and Hone; published by order of the Sheriffs: fol. Lond. July 21, 1683. ^b Ibid.

the future. Thus did his majesty reign

much more," says he, "than my life; and never had any design of changing the government, which I value, and look upon as one of the best governments in the world; and would always have been ready to venture my life for the preserving it; and would have suffered any extremity, rather than have consented to any design to take away the kings life: neither ever had man the impudence to propose so base and barbarous a thing to me. And I look upon it as a very unhappy and uneasy part of my present condition, that in my indictment there should be so much as mention of so vile a fact; though nothing in the least was said to prove any such matter, but the contrary, by the lord Howard: neither does any body, I am confident, believe the least of it."—"As to the conspiring to seize the guards," says he, "which is the crime for which I am condemned, and which was made a constructive treason for taking away the kings life, to bring it within the Statute of Ed. III. I shall give this true and clear account: I never was at Mr. Sheppards with that company but once, and there was no undertaking then of securing or seizing the guards, nor none appointed to view or examine them. Some discourse there was of the feasibleness of it; and several times by accident, in general discourse, elsewhere, I have heard it mentioned as a thing might easily be done, but never consented to as fit to be done. And I remember, particularly, at my lord Shaftesburys, there being some general discourse of this kind, I immediately flew out and exclaimed against it; and asked, If the thing succeeded, what must be done next, but massacring the guards, and killing them in cold blood? which I lookt upon as so detestable a thing, and so like a popish practice,

triumphantly over law, justice, and equity;

that I could not but abhor it. And, at the same time, the duke of Monmouth took me by the hand, and told me, very kindly, My lord, I see you and I are of a temper, did you ever hear of so horrid a thing?—As to my going to Mr. Shepherds, I went with an intention to taste sherry, for he had promised me to reserve for me the next very good piece he met with, when I went out of town: and, if he recollects, he may remember, I asked him about it, and he went and fetched a bottle; but when I tasted it, I said, 'twas hot in the mouth, and desired, that whenever he met with a choice piece he would keep it for me, which he promised. I enlarge the more upon this, because Sir George Jefferies insinuated to the jury, as if I had made a story about going thither; but I never said, that was the only reason; and I will now truly and plainly add the rest. I was, the day before this meeting, come to town for two or three days; as I had done once or twice before, having a very near and dear relation lying in a very languishing and desperate condition: and the duke of Monmouth came to me, and told me, he was extreamly glad I was come to town; for my lord Shaftesbury, and some hot men, would undo us all. And how so, my lord? I said. Why (answered he) they'll certainly do some disorderly thing or other, if great care be not taken; and therefore, for Gods sake, use your endeavours with your friends to prevent any thing of this kind. He told me, there would be company at Mr. Shepherds that night; and desired me to be at home in the evening, and he would call me, which he did: and, when I came into the room, I saw Mr. Rumsey by the chimney, though he swears he came in after; and there were things said by some

and, with sceptre of iron, break down such

with much more heat than judgment, which I did sufficiently disapprove ; and yet for these things I stand condemned. But, I thank God, my part was sincere, and well-meant. It is, I know, inferred from hence, and was pressed to me, that I was acquainted with these heats and ill designs, and did not discover them. But this is but misprision of treason at most. So I dye innocent of the crime I stand condemned for ; and I hope nobody will imagine that so mean a thought could enter into me, as to go about to save my life by accusing others.—As for the sentence of death passed upon me, I cannot but think it a very hard one : for nothing was sworn against me (whether true or false I will not now examine) but some discourses about making some stirs. And this is not levying war against the king, which is treason by the statute of Edward the Third, and not the consulting and discoursing about it, which was all that was witnessed against me. But, by a strange fetch, the design of seizing the guards was construed a design of killing the king ; and so I was cast. And now I have truly and sincerely told what my part was in that, which cannot be more than a bare misprision ; and yet I am condemned as guilty of a design of killing the king. I pray God, lay not this to the charge neither of the king's council, nor judges, nor sheriffs, nor jury : and for the witnesses, I pity them, and wish them well. I shall not reckon up the particulars wherein they did me wrong ; I had rather their own consciences should do that, to which, and the mercies of God, I leave them. Only I still aver, that what I said of my not hearing col. Rumsey deliver any message from my lord Shaftesbury, was true : for I always detested lying, tho' never so much to my

as were the objects of his displeasure! But

advantage. And, I hope, none will be so unjust and uncharitable, as to think I would venture on it in these my last words; for which I am so soon to give an account to the great God, the searcher of hearts, and judge of all things."——This declaration, I suppose, will be believed before the oaths of Shepherd, Rumsey, Howard, and the rest of the witnesses; who were, confessedly, but bad men, and swore to keep themselves from the gallows.——Lord Grey, indeed, speaking of the meeting at Shepherd's, says, "Monmouth, Russel, and himself, resolved to engage with Shaftesbury;—and that they discoursed the manner and time of their rising, and how they should get their men together^a." —He moreover says, "there was at this time a discourse, begun by Sir Thomas Armstrong, about viewing the guards at the Savoy and Mews; which," adds he, "all thought necessary, but nobody was ordered to take that employment upon him^b."——Not content with this, he assures us, "there was a second meeting at Shepherd's; where Sir Thomas Armstrong, and himself, went first; and Monmouth, and Russel, came after. Colonel Rumsey was not present at our first coming in," says he, "but Mr. Shepherd and Mr. Ferguson were. The duke of Monmouth gave my lord Russel, and the rest, an account of viewing the guards, and of the careless posture he found them in; and also that Mr. Trenchard's preparations at Taunton were so backward, that he could not be ready for an insurrection^c." In short, if we will believe him, lord Russell was intent on little else but insurrections. But no

^a *Secret History of the Rye-House Plot*, p. 32. 8vo. Lond. 1754.

^b *Id.* p. 35. ^c *Id.* p. 38.

his triumph was but of a short continu-

stress ought to be laid on Grey's narrative, which was writ, when under condemnation, to blacken Monmouth after his death, and the friends of Monmouth, to please the king, and add fresh evidence to what the court had got to justify very barbarous proceedings. His character, his private character, alone, is enough to take off all force from his assertions. But were they ever so true, they prove only that he was guilty of some discourses about making some stirs; which was not, could not be treason: and, consequently, when put to death for them, he was, as he himself expresses it, "killed by forms and subtleties of law; which is the worst sort of murder."—Sydney's case was, if possible, still harder. He himself shall relate it; and no man yet has, no man, I presume, will call in question the truth of his narrative. In his petition to the king, he sheweth, "That he was brought to his tryal; and the indictment being perplexed and confused, so as neither he, nor any of his friends that heard it, could fully comprehend the scope of it; he was wholly unprovided of all the helps that the law allows to every man for his defence. Whereupon he did again^a desire a copy, and produced an authentic copy of the statute of 46 Edward III. whereby it is enacted, that every man shall have a copy of any record that touches him in any manner, as well that which is for or against the king, as any other person; but could neither obtain a copy of his indictment, nor that the statute should be read. The jury, by which he was tryed, was not (as he is informed) summoned by the bailiffs of the several hun-

^a He had desired it on his arraignment, which was a fortnight before his trial.

ance: he was seized with a violent fit of

dreds in the usual and legal manner; but names were agreed upon, by Mr. Graham and the under sheriff, and directions given to the bayliffs to summon them: and being all so chosen, a copy of the pannel was of no use to him. When they came to be called, he excepted against some, for being the kings servants; many others, for not being freeholders; and others, were leud and infamous persons, not fit to be of any jury. But all was over-ruled by the lord chief justice; and Mr. Sydney was forced to challenge them peremptorily, whom he found to be pickt out as most suitable to the intentions of those who sought his ruin; whereby he lost the benefit allowed him by law of making his exceptions, and was forced to admit of mechanick persons utterly unable to judge of such a matter as was brought before them. This jury being sworn, no witness was produced who fixed any thing beyond hearsay upon him, except the lord Howard, and them that swore to some papers said to be found in his house and written in a hand like his.—Sydney produced ten witnesses, most of them of eminent quality, the others of unblemished fame, to shew the lord Howards testimony was inconsistent with what he had declared before (at the tryal of the lord Russel) under the same religious obligation of an oath, as if it had been legally administered. He further endeavoured to shew, that besides the absurdity and incongruity of his testimony, he being guilty of many crimes which he did not pretend Sydney had any knowledge of, and having no other hope of pardon than by the drudgery of swearing against him, he deserved not to be believed. And similitude of hands could be no evidence, as was declared by the lord chief justice Keiling, and the whole

an apoplexy, as it was said, which, after

court, in the lady Carr's case; so as that no evidence at all remained against him. He moreover observed, that, whosoever wrote those papers, they were but a small part of a polemical discourse, in answer to a book written, about thirty years ago, upon general propositions; applied to no time, nor any particular case: that it was impossible to judge of any part of it, unless the whole did appear, which did not: that the sense of such parts of it as were produced, could not be comprehended unless the whole had been read, which was denied: that the ink and paper shewed them to be writ many years ago: that the lord Howard not knowing of them, they could have no concurrence with what he [Sydney] was said to have designed with him [Howard] and others: that the confusion and errors in the writing, shewed they had never been so much as reviewed; and being written in an hand that no man could well read, they were not fit for the press; nor could be in some years, though the writer of them had intended it, which did not appear. But they being only the present crude and private thoughts of a man, for the exercise of his own understanding in his studies, and never shewed to any or applied to any particular case, could not fall under the statute of 25 Edward III. which takes cognizance of no such matter, and could not by construction be brought under it; such matters being thereby reserved to the parliament, as is declared in the proviso, which he desired might be read, but was refused. Several important points of law did hereupon emerge; upon which Sydney did desire council might be heard, or they might be referred to be found specially; but all was overruled by the violence of the lord chief justice [Jef-

four days, terminated in his death, on the

series]; and Sydney so frequently interrupted, that the whole method of his defence was broken, and he not suffered to say the tenth part of what he could have alleged in his defence: so the jury was hurried into a verdict they did not understand^a. — We need but turn to the trial of this unfortunate gentleman, published by the authority of Jefferies himself, to be convinced of the truth of what he has here written. — I will transcribe a paragraph from the papers produced in evidence against him, that the reader may see what wretches those must have been that condemned him. — “When pride,” says the writer, “had changed Nebuchadnezzar into a beast, what should perswade the Assyrians not to drive him out among beasts, until God had restored to him the heart of a man? When Tarquin had turned the legal monarchy of Rome into a most abominable tyranny; why should they not abolish it? And when the protestants of the Low Countries were so grievously oppressed by the power of Spain, under the proud, cruel, and savage conduct of the duke of Alva; why should they not make use of all the means, that God had put into their hands, for their deliverance? Let any man, who sees the present state of the provinces that then united themselves, judge whether it is better for them to be as they are, or in the condition unto which his fury would have reduced them, unless they had, to please him, renounced God and their religion. Our author [Filmer] may say, they ought to have suffered. The king of Spain, by their resistance, lost those countries;

^a Sidney's Apology in the Day of his Death, p. 191. among his Works. 4to. Edit. 1763.

sixth day of February, one thousand six

and that they ought not to have been judges in their own case. To which I answer, that, by resisting, they laid the foundation of many churches, that have produced multitudes of men eminent in gifts and graces; and established a most glorious and happy commonwealth, that hath been, since its first beginning, the strongest pillar of the protestant cause now in the world; and a place of refuge unto those who, in all parts of Europe, have been oppressed for the name of Christ: whereas they had slavishly, and, I think I may say wickedly as well as foolishly, suffered themselves to be butchered, if they had left those empty provinces under the power of Anti-christ, where the name of God is no otherwise known than to be blasphemed. If the king of Spain desired to keep his subjects, he should have governed them with more justice and mercy: when, contrary unto all laws both humane and divine, he seeks to destroy those he ought to have preserved; he can blame none but himself, if they deliver themselves from his tyranny: and when the matter is brought to that, that he must not reign; or they, over whom he would reign, must perish, the matter is easily decided; as if the question had been asked, in the time of Nero or Domitian, whether they should be left at liberty to destroy the best part of the world, as they endeavoured to do; or it should be rescued by their destruction? And as for the peoples being judges in their own case; it is plain, they ought to be the only judges; because it is their own, and only concerns themselves^a.—Jefferies, in summing up the evidence, “ minded the jury how this book

^a Sidney's Trial, p. 25. fol. Lond. 1684.

hundred and eighty-five, new style ; aged

contained all the malice, revenge, and treason, that mankind can be guilty of." Well might Sidney therefore say, " lest the means of destroying the best protestants in England should fail, the bench must be filled with such as had been blemishes to the bar^a."

Thus the court, under the guise of law, procured the death of a man, who had escaped the hands of assassins employed by them to murder him^b. He could not be corrupted : and, therefore, must be destroyed.—Such were Charles and his ministers ! It ought moreover to be remembered, that their malice was not satiated by the death they inflicted : for the names of Russell and Sidney were stigmatized, in the most barbarous manner, by infamous and abandoned sycophants. Jefferies, on the trial of Barnardiston, observed on his letters, which were given in evidence,—“ Here is the sainting of two horrid conspirators. Here is the lord Russel sainted, that blessed martyr; my lord Russel, that good man, that excellent protestant ; he is lamented. And what an extraordinary man he was ; who was fairly tried, and justly convicted and attainted for having a hand in this horrid conspiracy against the life of the king, and his dearest brother his royal highness, and for the subversion of the government. And here is Mr. Sydney sainted : What an extraordinary man he was ! Yes, surely, he was a very good man : because you may some of you remember, or have read the history of those times, and know what share Mr. Sydney had in that black and horrid villainy, that cursed treason and murder ; the murder I mean of king Charles the First of blessed memory ; a shame to religion itself,

^a Paper delivered to the Sheriffs.

^b See his Apology.

fifty-four years. The suspicions of his be-

a perpetual reproach to the island we live in, to think that a prince should be brought, by pretended methods of law and justice, to such an end at his own palace. And it is a shaine to think that such bloody miscreants should be sainted and lamented, who had any hand in that horrid murder and treason, and who to their dying minutes, when they were upon the brink of eternity and just stepping into another world, could confidently bless God for their being engaged in that good cause (as they call it), which was the rebellion, which brought that blessed martyr to his death. It is high time for all mankind, that have any Christianity, or sense of heaven or hell, to bestir themselves to rid the nation of such caterpillars, such monsters of villainy as these are*."—Sprat also characterises Russell as a person carried away beyond his duty and allegiance into this traitorous enterprise, by a vain air of popularity, and a wild suspicion of losing a great estate by an imaginary return of popery. And Sidney, according to him, from his youth had professed himself an enemy to the government of his country, and had acted accordingly.—But the characters of both these declaimers are at this time so well known, that no man of sense pays any regard to their assertions.—After all, it is not to be doubted that these great men had consulted on methods of preserving their religion and liberties: though what was sworn against them concerning insurrections, seizing the guards, and assassinations, was false and groundless. It was the fear the guilty had of these, and men like these, that urged them on to so much barbarity.—After the Revolution,

acts were passed for annulling and making void the attainders of both these gentlemen^a.—The writers of the Biographia Britannica, always ready to vindicate the worst and slander the best of men, according as they adhered to or opposed the cause they so much endeavoured to establish, the cause of civil and ecclesiastical tyranny, say, that Russell had, by his own confession, committed a crime [by being more than once present when the seizing the guards was discoursed of] which, by the known rules of law, amounted to treason. But by what law, except that of Jefferies and his fellows, I suppose, with all their parade of learning, and dogmatical censuring, they would be much at a loss to shew. The same judicious writers, speaking of Sidney, with equal sense and honesty, say, “To judge by his writings, he would not have been sorry to have seen his country brought to the greatest difficulties; nay, to destruction: that he might have had the pleasure of beholding his enemies involved in its ruins.”—What must we think of men who write such stuff, false and foolish stuff, as this? Mr. Trenchard, Mr. Gordon, and the late earl of Cork, as is well known, besides many others equally respectable, had very different notions of him and his writings.—It may, perhaps, be wondered that I have not, hitherto, mentioned the death of lord Essex, in the Tower, where he was a prisoner, on a charge of being concerned in this conspiracy: but whether he murdered himself, or was murdered by others, I take not on me to determine. I will, however, state the arguments, on both sides, with all the impartiality I am master of; it being truth, simply, which an historian ought to have in view.

^a Collins's Peerage, vol. I. p. 285; and Memoirs of the Sidneys, p. 160, prefixed to the first volume of the Sidney Papers, fol. Lond. 1745.

1. “ It gave great suspicion of his being murdered, as the king and the duke of York were, at the very time, within the Tower, where they had not been for near 15 years before. And when the jury was impanel’d, and one of them insisting to see his lordships cloaths in which he died; the coroner was sent for, and, on his return, he told the jury, it was the body and not the cloaths they were to sit on; and that the king had sent for the inquisition, and would not rise from the council-board till it was brought. It also happened on the very morning when the lord Russel was on his tryal, and particular care was taken to give immediate notice of it to the court at the Old Baily; and the kings council made a direct use of it to confirm the plot, and thereby lord Russel was condemned. After the Revolution, the earls of Devonshire, Bedford, Monmouth, and Warrington, were appointed, by the house of peers, to examine into the death of Essex; but made no report to the house; it being said, that, on the examination, it appeared so black on king James, that queen Mary requested it might die in silence ^a.”

2. Rapin assures us, lord Essex, son of this unfortunate nobleman, said, in his hearing, “ that he believed his father was murdered; and that a French footman, who then served his father, was strongly suspected, and disappeared immediately after the fact ^b.”—This seems to be confirmed by the following anecdote.—“ Harry Guy was then secretary to the treasury, and a sure agent to the king, or duke, if any dirty work was to be done. He paid and dispersed the secret-service money, of which payments he kept a regular account in a book which is still extant, and now is (1762), or lately was,

^a Collins’s Peerage, vol. III. p. 376.

^b Rapin’s Hist. vol. II. p. 729. fol.

in the possession of a gentleman of Chelsea, who made no scruple of shewing it to particular persons. In this book of accounts appears a minute of 500*l.* paid to one Bomini, a valet de chambre of the earl of Essex during his lords confinement in the Tower, and previous to his death. This Bomini was never heard of after the earl's death^a.—There was a Paul Bonemy, servant to his lordship, who, before the coroner, swore, "that he, looking through a chink, saw blood and part of a razor; whereupon he called a warder, and went down to call for help: and the warder pushed the door open, and there they saw Essex all along the floor, without a perriwig, and all full of blood, and the razor by him, which razor had before been delivered by him to his lordship^b.—The same person appeared on the trial of Braddon, and Speke, who had given out, on doubtful evidence, that Essex was murdered; and therefore cannot, with exactness, be said never to have been heard of after the earl's death: though, doubtless, the sum given him was for some very particular reason.

3. "By many eminent doctors and chirurgions, the wound was thought to be naturally impossible to be done by Essex himself; because, upon cutting the first jugular artery, such an effusion of blood and spirit would have immediately thereupon followed, that nature would not have been strong enough to cut through the other jugular artery to the neck bone on the other side; much less to make so many and so large notches in the razor against the neck bone^c.—Let us now hear what is said on the other side of the question.

1. "As to the late earl of Essex's murdering himself,

^a Grey's Debates, vol. VIII. p. 342. in the note.
Innocency and Truth vindicated, p. 5. 4to. Lond. 1681.

^b Braddon's
^c Id. p. 99.

his majesty," says Sprat, " cannot think it becomes him to descend to any particular justification of his own or his ministers innocence in that calamitous accident. Though his majesty is not ignorant, that divers most malicious pamphlets have been lately spread abroad, in English and other languages, which with an unparalleled impudence, have accused several persons of eminent virtue and honor about his majesty, not sparing even his royal highness; nay, scarce freeing the king himself from being personally conscious of so base and barbarous an action. But after the truth of the whole matter has been carefully examined and asserted by the coroners inquest, whose proper business it was; and after Braddon has suffered the punishment of the law, for suborning even children to bear false witness in the case; and after the notoriety of the fact, and all the circumstances of it, have been so clearly made out, that there is not a man in all England, of an honest mind or sound sense, who does in the least doubt it; his majesty despairs to enter into dispute with every petulant scribbler, or to answer the villainous suggestions and horrid calumnies contained, particularly, in the libel, called, *The Detection*, and in the *Epitome* of it.——As for the deplorable end of the said earl, his majesty freely owns, there was no man in his dominions more deeply afflicted with it than himself: his majesty having been thereby deprived of an extraordinary opportunity to exercise his royal clemency; and to testify, to all his loyal subjects and old friends, how highly he valued the memory and sufferings of the lord Capel. Next to himself, his majesty thinks he is also bound, in common justice, to declare, that his entirely beloved brother was most tenderly concerned and grieved at that lamentable effect of the earl of Essex's despair: his majesty being best able, upon his

own knowledge, to vouch for the duke of York, that he never deserved ill of the said earl, and was always most readily inclined, for both their fathers sakes, to have forgiven whatever ill the earl had done him^a."

2. It does not appear that Essex's brother, or his lady, believed that he was murdered. Sir Henry Capel did not want sense or spirit; and lady Essex had much fortitude of mind. "When she heard of the reports concerning the manner of her lord's death, she ordered a strict enquiry about it; and sent what she found to me," says Burnet, "to whom she had trusted all the messages that had past between her lord and her while he was in the Tower. When I perused all, I thought there was not a colour to found any prosecution on; which she would have done, with all possible zeal, if she had found any appearances of truth in the matter^b."

— After the Revolution, this matter came under examination; and the lords of the committee, appointed to hear and report, were such as must have had the memory of Essex in honour: but no report was made; and, consequently, no proofs of his murder appeared: for tenderness for king James had little place with their lordships, or his daughters. Nor was there, indeed, any manner of occasion for it: they had, in fact, judged him a tyrant by placing his crown on the head of another; and tyranny includes almost every kind of wickedness, at least is equivalent in demerit to all wickedness. What cause for tenderness of the reputation of such a man?

3. Though Braddon appears to have been an honest man, and to have meant well by his enquiries into the circumstances of this unhappy affair; yet were the ma-

^a Sprat's Account of the Conspiracy, p. 145, & seq.
vol. II. p. 569.

^b Burnet,

terials he collected sometimes not absolutely to be relied on. This appears from the following certificate, published in the Gazette, after the Revolution, by the countess of Essex, and the bishop of Salisbury [Burnet].

“Whereas in a Letter to a Friend, written by Mr. Lawrence Braddon, touching the murder of the late earl of Essex, an account is given, p. 54 & 55, of some discourse that the countess dowager of Essex, and the bishop of Salisbury, had upon that subject, at a meeting with several lords: the countess dowager, and the bishop, find themselves so much wronged in that relation, that they have thought it became them to disavow it entirely; the whole discourse fastened on them being false, and nothing to that purpose having been upon that occasion mentioned by either of them^a.

“July 24, 1690.

E. ESSEX,

G. SARUM.”

After this, we must not expect much reliance on Braddon’s authorities.

4. In the Diary of Henry, earl of Clarendon, we find these words: “May 27 [1689], Monday,—In the afternoon, my wife and I went to Chelsea, to the duchess of Beaufort; whom we found alone. She told me the whole story, how lady Essex had sent for her and her lord, and all the relations, lord Bedford, Devonshire, bishop Burnet, and young Mr. Hampden, about the matter relating to lord Essex’s death, now depending before the committee of lords: that she had declared, she believed he killed himself; and therefore desired the business might fall. She told me, Burnet and Hampden both owned the conspiracy against King Charles the Second. I should have been there if I had been in town. Brother Capel excused

^a Gazette, No. 2579.

ing poisoned will be found below ³⁴.—The

himself, pretending to be indisposed; which looked very odd ².”—The reader has now sufficient materials to form a judgment of this much controverted fact.

³⁴ The suspicions of his being poisoned are to be mentioned.] “There were very many apparent suspicions,” says Burnet, “of his being poysoned: for though the first access looked like an apoplexy, yet it was plain in the progress of it that it was no apoplexy. When his body was opened, the physicians who viewed it were as it were led by those who might suspect the truth to look upon the parts that were certainly sound. But both Lower and Needham, two famous physicians, told me, they plainly discerned two or three blue spots on the outside of the stomach. Needham called twice to have it opened: but the surgeons seemed not to hear him. And when he moved it the second time, he, as he told me, heard Lower say to one that stood next him, Needham will undo us, calling thus to have the stomach opened; for he may see they will not do it. They were diverted to look to somewhat else: and when they returned to look upon the stomach, it was carried away: so that it was never viewed. Le Fevre, a French physician, told me, he saw a blackness in the shoulder: upon which he made an incision, and saw it was all mortified. Short, another physician, who was a papist, but after a form of his own, did very much suspect foul dealing: and he had talked more freely of it than any of the protestants durst do at that time. But he was not long after taken suddenly ill, upon a large draught of worm-

² Diary of Henry, Earl of Clarendon, at the end of his State Letters.

impious, profligate manners, introduced or

wood wine, which he had drunk in the house of a popish patient that lived near the Tower, who had sent for him, of which he died. And, as he said to Lower, Millington, and some other physicians, he believed that he himself was poisoned for his having spoken so freely of the kings death. The kings body was indecently neglected. Some parts of his inwards, and some pieces of the fat, were so carelessly looked after, that the water being poured out at a scullery hole that went to a drain, in the mouth of which a grate lay, these were seen lying on the grate many days after. His funeral was very mean. He did not lie in state: no mournings were given: and the expence of it was not equal to what an ordinary noblemans funeral will amount to. Many upon this said, that he deserved better from his brother than to be thus ungratefully treated in ceremonies that are public, and that make an impression on those who see them, and who will make severe observations and inferences upon such omissions. But since I have mentioned the suspicions of poison as the cause of his death; I must add, I never heard any lay those suspicions on his brother. But his dying so critically, as it were in the minute in which he seemed to begin a turn of affairs, made it to be generally the more believed, and that the papists had done it, either by the means of some of lady Portsmouths servants, or, as some fancied, by poisoned snuff: for so many of the small veins of the brain were burst, that the brain was in great disorder, and no judgment could be made concerning it. To this I shall add a very surprising story, that I had, in November, 1709, from Mr. Henly of Hampshire. He told me, that when the duchess of Portsmouth came over

to England, in the year 1699, he heard, that she had talked as if king Charles had been poisoned: which he desiring to have from her own mouth, she gave this account of it:—She was always pressing the king to make both himself and his people easy, and to come to a full agreement with his parliament; and he was come to a final resolution of sending away his brother and of calling a parliament, which was to be executed the next day after he fell into that fit of which he died. She was put upon the secret, and spoke of it to no person alive but to her confessor; but the confessor, she believed, told it to some, who, seeing what was to follow, took that wicked course to prevent it^a.—It appears, indeed, by some passages out of the duke of Monmouth's pocket-book, that he had assurances of being taken into favour, and of the duke of York's removal from court^b.—However, we are to observe, that all the circumstances attending the death of Charles, and what happened on the inspection of his body, are far enough from amounting to a proof of his being poisoned: for, notwithstanding all of them, he might die merely through disease: at least this is Dr. Welwood's opinion. It must not be omitted, that the part of Burnet's narrative, which he received from Mr. Henly, galled the late lord Lansdown; an able determined friend, as far as he dared, to the Stuart family; so much, as to make him speak of the bishop in terms very indelicate.—“The bishops' hear-says,” he observes, “are, in most cases, very doubtful. His history is little else but such-a-one told such-a-one, and such-a-one told me. This sort of testimony,” continues he, “is allowed in no case; nor can the least

^a Burnet, vol. I. p. 609; and Sheffield's Works, vol. II. p. 60.

^b Appendix to Welwood's Memoirs, No. 14.

certainty be built upon stories handed about from one to another, which must necessarily alter in the several repetitions by different persons. I shall then conclude with one observation only upon the most important hear-say in his whole book, upon which the credit of the rest may depend. His lordship had it from Mr. Henly, who had it from the duchess of Portsmouth, that king Charles the Second was poisoned. It was my fortune to be residing at Paris when this history was published. Such a particular was too remarkable not to raise my curiosity. The duchess was then likewise at Paris. I employed a person, who had the honour to be intimate with her grace, to enquire from her own mouth into the truth of this passage. Her reply was this: That she recollects no acquaintance with Mr. Henly; but she remembered well Dr. Burnet and his character. That the king and the duke, and the whole court, looked upon him as the greatest lyar upon the face of the earth; and there was no believing one word that he said. I only repeat the answer I received: far be it from me to make any such reflexion^a. — This very courtly language of the lady's was intended by his lordship as a full answer to the bishop's hearsay. What sort of an answer it is, appears from the remarks made on it by a very sensible writer, to whom his lordship had the wit to make no reply. — “When an historian,” says he, “whose book was in the hands of all mankind, had charged her grace with having said to others, as well as Mr. Henly, that she believed king Charles was poisoned; and this fact was designedly enquired into, in order to falsify the historian; was it possible to have it more strongly established? Does her grace even pretend to deny, that she

^a Lansdown's Works, vol. II. p. 177,

countenanced by him, will, for ever, mark his reign with infamy³⁵.

believed king Charles was poisoned? Does she affirm (which if the thing was false she might safely have done) that she never told any person that the king was poisoned? Nay, does she so much as take upon her to say, that she never gave Mr. Henly such an account? These might have been offered as contradictions to the bishops hearsay; but, surely, the bare not recollecting an acquaintance with Mr. Henly, is none. It was not necessary he should have such an acquaintance in order to enquire into the truth of a story, of which the duchess of Portsmouth was reported the author: the meeting her grace in a visit, at a third place, was a sufficient opportunity for putting such a question to her. As to the character she gave of Dr. Burnet, as from the king and the duke (were there no objection to her grace's testimony), princes are so seldom acquainted with the real characters of men who are odious to their ministers; and when they are incensed against a man, are apt to indulge themselves in such liberties, that, I believe, their calling Dr. Burnet a lyar, will be understood, by men of sense, to import no more, than that he had spoken truths to them which they were no ways inclined to believe or hear. One of these, mentioned in the history, was so contrary to the duchess's interest, that it may, possibly, have given her a prejudice against the bishop².³⁶ These reflexions, in my opinion, are very judicious.

³⁵ The impious profligate manners, introduced or countenanced by him, will mark his reign with infamy.] Few courts have been free from vice. The

² Remarks on Lansdown's Letter, p. 19.

manners of James and Charles I. were far enough from being irreproachable: but they were willing to seem good, and to be thought religious; as appears from the form of devotion they kept up, and the noise they made about the manner of performing it. Those who succeeded them, in the management of public affairs, talked much of religion also; and countenanced such as most strictly professed it: so that, with them, it was fashionable to appear devout; and to talk much of the concerns of the soul. Hence the charge of hypocrisy so indiscriminately advanced against them.— But be the thing true, or false; certain it is, there was the appearance, at least, of religion and virtue in the nation at the Restoration; and men, for the most part, did not glory in their shame. For where administration does not countenance profligates, profligacy will never be in vogue.— But no sooner had Charles the Second returned, than the face of things altered. Religion became a jest; and virtue was mocked at: and those were most favoured by his majesty, who ridiculed every thing good and sacred. This is borne witness to by writers of all parties: by men of all professions.—

“ With the restoration of the king, a spirit of extravagant joy spread over the nation, that brought on with it the throwing off the very professions of virtue and piety: all ended in entertainments and drunkenness, which over-run the three kingdoms to such a degree that it very much corrupted all their morals. Under the colour of drinking the kings health, there were great disorders and much riot every where: and the pretences of religion, both in those of the hypocritical sort, and of the more honest but no less pernicious enthusiasts, gave great advantages, as well as they furnished much matter, to the profane mockers of true piety. Those who had been concerned in the former

transactions, thought they could not redeem themselves from the censures and jealousies that those brought on them, by any method that was more sure and more easy, than by giving into the stream and laughing at all religion, telling or making stories to expose both themselves and their party as impious and ridiculous^a."

—Mr. Echard says, "the year of the Restoration produced jovial entertainments, loyal remembrances, free conversation, amorous intrigues, refined courtship and gallantry, with other softening and fashionable expressions, which served to cover the most enormous viciousness in the court and other places. All which was encouraged and promoted by the licentiousness of the two new-erected theatres or play-houses, where there seemed to have been very little restraint, and where a new custom was now introduced of bringing in women upon the stage, which before had been personated by boys or young men. Thus the felicity of the times was first sullied, and afterwards corrupted; so as, by degrees, to bring insuperable inconveniences upon the nation^b." —Wood, speaking of lord Rochester, observes, "that, at his return from his travels, he frequented the court; which not only debauched him, but made him a perfect Hobbist^c." The same writer, in the article of Fleetwood Sheppard, says, "After his majesty's restoration he retired to London, hanged on the court, became a debauchee and atheist, a grand companion with Charles lord Buckhurst, Henry Saville, and others. After Eleanor Guinn had a natural son by king Charles II. he became her

^a Burnet, vol. I. p. 92. ^b Id. vol. II. p. 41. ^c Wood's Athenæ, vol. II. c. 654. Sorbiere informs us, that his majesty gave Mr. Hobbes a yearly pension of a hundred Jacobus's; and kept a copper cut of his picture in his closet of natural and mechanical curiosities. Voyage to England, p. 39. 8vo. Lond. 1709.

steward ; and afterwards to that natural child, called, Charles earl of Burford (since duke of St. Albans) ; and managed all their concerns. So that, by that employment, coming to the knowledge of the said king, he became one of his companions in private to make him merry, at the duchess of Portsmouth's, Cheffings's, and Bap. May's ^a." — Even Clarendon himself, bigotted and partial as he is, owns, " the king took little pleasure in the queens conversation ; and more indulged to himself all liberties in the conversation of those who used all their skill to supply him with diversions, which might drive all that was serious out of his thoughts ^b." In another place, he says, " that the constant conversation with men of great profaneness, whose wit consisted in abusing scripture, and in repeating and acting what the preachers said in their sermons, and turning it into ridicule (a faculty in which the duke of Buckingham excelled), did much lessen the natural esteem and reverence he [the king] had for the clergy ; and inclined him to consider them as a rank of men that compounded a religion for their own advantage, and to serve their own turn ^c." This same Buckingham, we are told, " reported all the licence and debauchery of the court in the most lively colours, being himself a frequent eye and ear witness of it ^d."

" — Those who heretofore sought private holes,
Securely in the dark to damn their souls,
Wore wizards of hypocrisy, to steal
And slink away, in masquerade, to hell ;
Now bring their crimes into the open sun,
For all mankind to gaze their worst upon.
* * * * *

For men have now made vice so great an art,
The matter of fact's become the slightest part ;

^a Wood's Athenæ, c. 1039.
p. 641.

^b Clarendon's Continuation, vol. III.
^c Id. p. 683.
^d Id. p. 701.

And the debauched'st actions they can do,
Meer trifles to their circumstance and show.
For 'tis not what they do that's now the sin,
But what they lewdly affect and glory in;
As if prepost'rously they would profess
A forc'd hypocrisy of wickedness."

BUTLER^a.

More modern writers make the same complaint of the obscenity introduced in this reign.

" In the fat age of pleasure, wealth, and ease,
Sprung the rank weed, and thriv'd with large increase;
When love was all an easy monarch's care;
Seldom at council, never in a war:
Jilts rul'd the state, and statesmen farces writ;
Nay, wits had pensions, and young lords had wit:
The fair sat panting at a courtier's play,
And not a mask went unimprov'd away:
The modest fan was lifted up no more,
And virgins snil'd at what they blush'd before."

POPE^b.

" Charles," says Mr. Walpole, " introduced the fashions of the court of France, without its elegance. He had seen Lewis XIV. countenance Corneille, Moliere, Boileau, Le Sueur; who, forming themselves on the models of the antients, seemed, by the purity of their writings, to have studied only in Sparta. Charles found as much genius at home: but how licentious, how indelicate, was the style he permitted or demanded! Dryden's tragedies are a compound of bombast and heroic obscenity, inclosed in the most beautiful numbers. If Wycherly had nature, it is nature stark-naked. The painters of that time veiled it but little more: Sir Peter Lely scarce saves appearances but by a bit of fringe or embroidery. His nymphs, generally reposed on the turf, are too wanton and too magnifi-

^a Butler's Works, by Thyer, vol. I. p. 72. 8vo. Lond. 1759. ^b Pope's
Essay on Criticism. In Warburton's edit. 1756.

cent to be taken for any thing but maids of honour¹." — What more need be said on this subject? The witnesses are unanimous: the fact uncontroverted. Let us leave him then a warning, to posterity, of the danger arising from bad principles in a sovereign; and the woes to be expected from men void of humanity and virtue, when in power. Their vices affect not merely themselves: they alone are not hurt by them. The community is infected as with a deadly leprosy, which descends to posterity: and though, by the virtue of their successors, the disorder for a time may be palliated; it seldom is wholly cured; but, as opportunity offers, breaks forth with new violence, and hardly ever fails of terminating in destruction.

¹ Walpole's *Anecdotes of Painting*, vol. III. p. 2. 4to. 1763.

APPENDIX

OF

ORIGINAL PAPERS.

No. I.

(Communicated by the Hon. Horace Walpole, Esq.)

For my worthy Friend Capt. John Dunche at his Fathers
att Peusey near Abington in Berkshire.

These

Whitehall Aug. 28th, —58.

R. CROMWELL.

S.R.

I received your last sad intelligence of the death of St. Barbe and his lady. I am perswaded they are oute of a troublesome worlde, and certainly happy: the losse is not soe much theires, as there neighbours. The stroake of death is soe forcible that the strongest cannot stand againste itt, noe weapons of the flesh to encounter the grave, they must be spirituall. Such I hope they had (by the grace of God) to make a victory, to chearge through unto the place of there wishes and glory. His friendship will make me to rejoice in his & his wyfe's happyness. It is a providentiall stroake and ought to teache the moste healthy & happy. I am fully p'swaded the country hath a losse in him, and I also, they as wanting one that would

assist them in difficulties, I in a friende; I wante not
a for him, nor I hope shall not for the
countrye's sake. I intended to have written to you by
the firste returne but was disappointed: and sence his
highnesse hath been soc ill that I have not had either
opportunitie or desire to sett pen to paper; we have
not been without very greate feares; for his hignesses
illnesse hath been such as hath put physishians to a
nonplus. Our hopes are somewhat increased by this
fitt of an ague, and shall it please God to goe on with
his gentle hand and bring him temperately oute of this
fitt, and not renew att the time his former fitt began
or viset us with a quartaine, we shall have some re-
viving conforte, and cause to magnifie his goodnesse
it, being a new life to his highnesse & the affaires as
they now stand of this nation, with the protestant in-
terest of Christendom. I believe the rum's of this dan-
gerous illnesse hath flowen into all p's of this nation
and hath caused severall persons of ill affections to
prick up there eares, which will cause friends to be
vigilant, for they will hope they have a gaime to play;
It is a time that will discover all coloures and much of
the disposition of the nation may be now gathered. I
heare that those that have been enemyes, others that
have been noe friends, some of boeth are startled fear-
ing there possessions and worser conditions, not con-
sidering there affection, in this hazard his highnesse is
in. It must be the goodnesse of God that shall save
him, and his knowledge of the state of England and
Xtchiandome; the spirritt of prayer which is powered
out for him & the faith which is acted on behalf of
him gives us the beste conforte & hopes: myne &
my wyfe's respects to your fa. and mother. I rest
yours

R. CROMWELL,

To my loving Friend Capt. John Dunche, att Hursey
neare Winchester in Hants. These.

From his Highnesse. *Whitehall, Jan. 18,—58.*

SR.

I have written to your brother Pitman (which letter I advise may speed by your care of sending it, to what place it shall finde him) to incurridge the election of Mr. Rivet, whoe though chosen after the dispute of Mr. Whitehead & Reynolds; yet is conceived to be the better election than either the other tow: and ought to be returned, for that it was a generall and free choyce of the electors of that place: and the dispute will not lye with Rivet: but I am informed that Whitehead will question that of Reynolds which hath a ground to be disputed, Whitehead being able to lett himselfe in upon the choyce which is made at Limington; pray advise also with my fa: Major & with Rivet; & if it be as we understand the election here, then cause a returne to be made of that choyce either by Rivet's appearing, or doe it by yourself or others. The second parte of my letter is that your brother would appear at Whitechurch, for certainly W. nor the burrough can justifie, he taking a blanche instrument from the place, & they forgiving him such unjustifiable power & liberty. I would have you to see whether yr. brother can get himselfe in by a free and open choyce, which will be justified before that way of Wallop's.

Remember me to my father and mother Majors, & my sister, with one kisse to my little boye, having nothinge more but rest

Yours

RICHARD P.

I think we can justifie Whitechurch
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B b

as well as Wallop, if you choose one, you may choose tow, & that Dr. Walker may be the other, or rather Withers of Manningdowne whoe is an active man, and one that Wallop hath disobleiged. It is certaine the towne is free to choose, if it be as we are informed.

No. II.

(Communicated by the late Rev. Dr. Birch, Secretary to the Royal Society.)

Copy of a letter of J. Aprice, a Romish priest, to M^r. William Lynwood, at his house in Deane, Northamptonshire.

Dear Brother,

Feb. 16, 1685.

The great change, which is made in our nation, since I wrote to you, is the wonder of all men. If we consider, that 'tis the divine providence, that rules over kingdoms, & the hearts of men, we should the less wonder. Who could have say'd a while ago, that these eyes of mine should have seen two catholick kings reign over us in this nation? But that God, who preserv'd our late king of blessed memory by so many wonderfull miracles, all his lifetime, did also at his death call him to his mercy, by making him to be reconciled to his holy church, which he did in this manner. The day he fell ill, which was the Monday, he was no sooner recovered of his fit; but his trusty loving brother, our now most gracious sovereign, fearing a relapse, put him in mind of his soul; which advice he immediately embraced, and desired no time might be lost in the execution of it. Whereupon Mr. Huddleston was commanded to attend instantly thereabouts: but the great affairs of the nation coming

perpetually before him, time could not possibly be found till Thursday. But the king finding his natural strength decay, commanded of his own accord all to retire out of the room, telling them, that he had something to communicate to his brother. Then Mr. Huddleston being brought in, that great work was done, & with that exactness, that there was nothing omitted either necessary or decent; &, as Mr. Huddleston himself has told me, by a particular instance of God's grace, the king was as ready and apt in making his confession, & all other things, as if he had been brought up a catholick all his life time: & from that moment till eight of the clock the next day, att which time his speech left him, he was heard to say little but begging Almighty God's pardon for all offences & the like; so that we may joyfully say, God have mercy of his soul, & make him eternally participant of his kingdom of heaven.

As for our present king, he dayly gives us by his actions new hopes of a great deal of future happiness; for besides the great content & satisfaction, which seems to be in every body here, we in particular have reason to praise God for giving him so much courage and resolution to confess his faith publickly, as he did yesterday in a most eminent manner; for on Friday last he declared to the councell, that he was resolved to make known publickly to the world of what religion he was: and yesterday he came with the queen to the chapell, attended by all the nobility & gentry about court, & there received together with the queen from the hands of her almoner the most precious body and blood of our Saviour, with as much devotion as I ever saw in any man; & heard all the time upon his knees two long masses.

This ceremony I saw & will allways esteem the day

holy, whereon it was done; for above this 126 years the like has not been seen in England.

The mayor and aldermen of London came on Saturday last with an address to the king in the name of the city, wherein they promise to stand by him with their lives & fortunes, which I hope will be a good example to all others to do the like.

This is all but my true love to my dear sister, & all yours.

From, dear brother,
Your affectionate brother and servant,

J. APRICE.

(The original letter is now in the hands of Mrs. Eyre of Stamford: and J. Aprice, above-mentioned, was a Romish priest, and relation of hers; as was also Mr. Lynwood, to whom the letter was written.)

No. III.

A Copy of a Letter from the Duchess of Cleveland to King Charles II. From the Original, now in the hands of the Earl of Berkshire, 1731. Harleyan Manuscripts, N^o. 7006.

Paris, Tuesday the 28th,—78.

I was never so surprized in my holle life time as I was at my coming hither, to find my lady Sussex gone from my house and monastery where I left her, and this letter from her, which I here send you the copy of. I never in my holle life time heard of such government of herself as she has had, since I went into England. She has never been in the monastery two days together, but every day gone out with the ambassador², and has often lain four days together at my house, and sent for her meat to the ambassador, he

² Ralph Mountague, afterwards duke of Mountague.

being always with her till five o'clock in the morning, they two shut up together alone, and would not let my maistre d'hotel wait, nor any of my servants, only the ambassadors. This has made so great a noise at Paris, that she is now the holle discourse. I am so much afflicted that I can hardly write this for crying, to see a child that I doted on as I did on her, should make me so ill a return, and join with the worst of men to ruin me. For sure never malice was like the ambassadors, that only because I would not answer to his love, and the importunities he made to me, was resolved to ruin me. I hope your majesty will yet have that justice and consideration for me, that though I have done a foolish action, you will not let me be ruined by this most abominable man. I do confess to you that I did write a foolish letter to the chevalier de Chatilion, which letter I sent inclosed to madam de Pallas, and sent hers in a packet I sent to lady Sussex by Sir Henry Tichborn ; which letter she has either given to the ambassador, or else he had it by his man, to whom Sir Harry Tichborn gave it, not finding my lady Sussex. But as yet I do not know which of the ways he had it, but I shall know as soon as I have spoke with Sir Harry Tichborn. But the letter he has, and I doubt not but he has or will send it to you. Now all I have to say for myself is, that you know as to love, one is not mistress of ones self, and that you ought not to be offended at me, since all things of this nature is at an end with you and I. So that I could do you no prejudice. Nor will you I hope follow the advice of this ill man who in his heart I know hates you, and were it not for his interest would ruin you to if he could. For he has neither conscience or honor, and has several times told me, that in his heart he despised you and your brother ; and that for his part, he wished with all his heart that the parliament would send you

both to travel; for you were a dull governable fool and the duke a wilful fool. So that it were yet better to have you than him, but that you always chose a greater beast than yourself to govern you. And when I was to come over he brought me two letters to bring to you, which he read both to me before he sealed them. The one was a mans, that he said you had great faith in; for that he had at several times foretold things to you that were of consequence², and that you believ'd him in all things, like a changeling as you were: And that now he had wrote you word that in a few months the king of France and his son were threatned with death, or at least with a great fit of sickness, in which they would be in great danger if they did not die: and that therefore he counsell'd you to defer any resolutions either of war or peace till some months were past; for that if this happened it would make a great change in France. The ambassador after he had read this to me said, "now the good of this is said he, that I can do what I will with this man, for he is poor, and a good sum of money will make him write whatever I will." So he proposed to me that he and I should join together in the ruin of my lord treasurer and the duchess of Portsmouth, which might be done thus: The man, though he was infirm and ill should go into England, and there after having been a little time to sollicit you for money; for that you were so base, that though you employed him, you let him starve. So that he was obliged to give him 50/. and that the man had writ several times to you for money. "And," says he, "when he is in England, he shall tell the king things that he foresees will infallibly ruin him; and so wish those to be removed, as having an ill star, that would be unfortunate to you, if they were .

² See Burnet's Hist. of his own Times, vol. I. p. 422.

not removed :" but if that were done, he was confident you would have the most glorious reign that ever was. 'This, says he, I am sure I can order so as to bring to a good effect, if you will. And in the mean time I will try to get secretary Coventrys place, which he has a mind to part with, but not to Sir William Temple ; because he is the treasurers creature, and he hates the treasurer, and I have already employed my sister to talk with Mr. Cook, and to mind him to engage Mr. Coventry not to part with it as yet, and he has assured my lady Harvy he will not. And my lord treasurers lady and Mr. Bertee are both of them desirous I should have it. And when I have it I will be damn'd if I do not quickly get to be lord treasurer ; and then you and your children shall find such a friend as never was. And for the king, I will find a way to furnish him so easily with money for his pocket and his wenches, that we will quickly out Bab. May, and lead the king by the nose. So when I had heard him out, I told him, I thank'd him, but that I would not meddle with any such thing : and that for my part I had no malice to my lady Portsmouth, or to the treasurer, and therefore would never be in any plot to destroy them. But that I found the character which the world gave of him was true : which was that the devil was not more designing than he was, and that I wondered at it, for sure all these things working in his brain must make him very uneasy, and would at last make him mad. 'Tis possible you may think I say all this out of malice. 'Tis true he has urged me beyond all patience : but what I tell you here is most true ; and I will take the sacrament on it whenever you please. 'Tis certain I would not have been so base as to have informed against him for what he said before me, had he not provoked me to it in this violent way that he has. There is no ill thing

which he has not done to me, and that without any provocation of mine, but that I would not love him. Now as to what relates to my daughter Sussex and her behaviour to me, I must confess that afflicts me beyond expression, and will do much more, if what he has done be by your orders. For though I have an entire submission to your will, and will not complain whatever you inflict upon me; yet I cannot think you would have brought things to this extremity with me, and not have it in your nature ever to do cruel things to any thing living. I hope therefore you will not begin with me; and if the ambassador has not received his orders from you, that you will severely reprehend him for this inhuman proceeding. Besides he has done what you ought to be very angry with him for. For he has been with the king of France, and told him that he had intercepted letters of mine by your order; by which he had been informed that there was a kindness between me and the chevalier de Chatilion; and therefore you bad him take a course in it, and stop my letters; which accordingly he has done. And that upon this you order'd him to take my children from me and to remove my lady Sussex to another monastery; and that you was resolved to stop all my pensions, and never to have any regard to me in any thing. And that if he would oblige your majesty, he should forbid the chevalier de Chatilion ever seeing me upon the displeasure of losing his place, and being forbid the court: for that he was sure you expected this from him. Upon which the king told him, that he could not do any thing of this nature: for that this was a private matter, and not for him to take notice of. And that he could not imagine that you ought to be so angry, or indeed be at all concerned; for that all the world knew, that now all things of gallantry were

at an end with you and I. And that being so, and so publick, he did not see why you should be offended at my loving any body. This it was a thing so common now-a-days to have a gallantry, that he did not wonder at any thing of this nature. And when he saw the king take the thing thus, he told him if he would not be severe with the chevalier de Chatilion upon your account he supposed he would be so upon his own: for that in the letters he had discovered, he found that the chevalier had proposed to me the engaging of you in the marriage of the Dauphin and Madamoiselle^a: and that was my greatest business into England^b. That before I went over I had spoke to him of the thing, and would have engaged him in it; but that he refused it: for that he knew very well the indifference you had whether it was so or no, and how little you cared how Madamoiselle was married: that since I went into England it was possible I might engage somebody or other in this matter to press it to you; but that he knew very well, that in your heart you cared not whether it was or no, that this business setting on foot by the chevalier. Upon which the king told him, that if he would shew him any letters of the chevalier de Chatilion to that purpose, he should then know what he had to say to him; but that till he saw those letters, he would not punish him without a proof for what he did. Upon which the ambassador shewed a letter, which he pretended one part of it was a double entendre. The king said he could not see that there was any thing relating to it, and so left him, and said to a person there, sure the ambas-

^a Madamoiselle was the daughter of Philip duke of Orleans, and Henrietta sister of king Charles II.

^b This was Mountague's own proposal, made to the king in his letter to him of Jan. 10th, 1677-8, preserved in the Danby Papers, p. 48.

sador was the worst man that ever was; for because my lady Cleveland will not love him, he strives to ruin her the basest in the world; and would have me to sacrifice the chevalier de Chatilion to his revenge; which I shall not do till I see better proofs of his having meddled in the marriage of the Dauphin and Madamoiselle than any yet the ambassador has shewed me. This methinks is what you cannot but be offended at, and I hope you will be offended with him for his holle proceeding to me, and let the world see you will never countenance the actions of so base and ill a man. I had forgot to tell you that he told the king of France, that many people had reported, that he had made love to me; but that there was nothing of it; for that he had too much respect for you to think of any such thing. As for my lady Sussex, I hope you will think fit to send for her over, for she is now mightily dis-coursed of for the ambassador. If you will not believe me in this, make enquiry into the thing, and you will find it to be true. I have desired Mr. Kemble to give you this letter, and to discourse with you at large upon this matter, to know your resolution, and whether I may expect that justice and goodness from you which all the world does. I promise you that for my conduct, it shall be such, as that you nor nobody shall have occasion to blame me. And I hope you will be just to what you said to me, which was at my house when you told me you had letters of mine; you said, Madam, all that I ask of you for your own sake is, live so for the future as to make the least noise you can, and I care not who you love. Oh! this noise that is had never been, had it not been for the ambassadors malice. I cannot forbear once again saying, I hope you will not gratify his malice in my ruin.

(N. B. Ann Palmer, natural daughter by adoption of King Charles II. by Barbara duchess of Cleveland, was married to Thomas Lennard lord Dacres, created earl of Suffolk by king Charles II. History of the Royal Family, p. 256. 8vo. London, 1713;—and Wood's Fasti, vol. II. c. 154.)

END OF VOL. V.

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